



**Canada Border
Services Agency**

**Agence des services
frontaliers du Canada**

Purchasing Office — Bureau des Achats:

Canada Border Services Agency
355 North River Road 17th Floor
Ottawa, ON K1A 0L8

Agence des services frontaliers du Canada
355 rue North River, 17ième étage
Ottawa, ON K1A 0L8

Title — Sujet:

Monitoring Services of the Immigration Detention Facilities

Contract No. — No du contrat:

2018000430

Contract — Contrat

Your proposal is accepted to sell to Her Majesty the Queen, in right of Canada, in accordance with the terms and conditions set out herein, referred to herein or attached hereto, the goods and/or services, or construction listed herein and on any attached sheets at the price or prices set out thereof.

Nous acceptons votre proposition de vendre à sa Majesté la Reine du Chef du Canada, aux conditions énoncées ou incluses par référence dans les présentes, et aux annexes ci-jointes, les biens, et/ou les services ou la construction énumérés dans les présentes, et sur toute feuille ci-annexée, au(s) prix indiqué(s).

D.D.P. — D.D.P.:

**Destination of Goods, Services, And Construction —
Destination des biens, services et construction**

See herein — voir aux présentes

Invoices to be sent to — Factures Envoyer à :

As per section 8.0 of the resulting contract clauses

The Vendor/Firm hereby accepts/acknowledges this contract — Le fournisseur/entrepreneur accepte/accuse réception du présent contrat :

Signature _____ Date June 28, 2017

Signature _____ Date Vice-President, Emergency Management/
July 4, 2017
Signature _____ Date President and CEO

Contracting Authority — Autorité contractante :
Jessica Sultan

Telephone No. — No de telephone:
(343) 291-5683

Fax No. — No de télécopieur :

E-Mail Address — Courriel:
Jessica.Sultan@cbsa-asfc.gc.ca

Total Estimated Cost (HST incl.) /Coût total estimatif (TVH incl.):

\$1,139,619.00

**Currency Type —
Genre de devise :**

CAD

**Vendor / Firm Name and Address —
Raison sociale et adresse du fournisseur/de l'entrepreneur :**

Canadian Red Cross
170 Metcalfe Street, Suite 300
Ottawa, ON
K2P 2P2

Signed for the President by — Signé pour le Président par :

Jessica Sultan
Signature

Date July 17

Name and Position Title — Nom et Titre du poste

Jessica Sultan, Executive Director
Strategic Procurement and Material Management Division
Canada Border Services Agency

1.0 Statement of Work

The Contractor must perform the Work in accordance with the Statement of Work at Annex "A".

2.0 Standard Clauses and Conditions

All clauses and conditions identified in the Contract by number, date and title are set out in the Standard Acquisition Clauses and Conditions Manual(<https://buyandsell.gc.ca/policy-and-guidelines/standard-acquisition-clauses-and-conditions-manual>) issued by Public Works and Government Services Canada.

2.1 General Conditions

2035 (2016-04-04), General Conditions - Higher Complexity - Services, apply to and form part of the Contract.

2.2 Supplemental General Conditions

4008 (2008-12-12), Personal Information, apply to and form part of the Contract.

<https://buyandsell.gc.ca/policy-and-guidelines/standard-acquisition-clauses-and-conditions-manual/4/4008/2>

3.0 Security Requirements

The following security requirements (*SRCL attached at Annex C and related clauses provided by below*) apply and form part of the Contract.

1. The Contractor/Offeror must, at all times during the performance of the Contract/Standing Offer/Supply Arrangement, hold a valid **Designated Organization Screening (DOS)**, issued by the Canadian Industrial Security Directorate (CISD), Public Works and Government Services Canada (PWGSC).
2. The Contractor/Offeror personnel requiring access to sensitive work site(s) must EACH hold a valid **CBSA ENHANCED RELIABILITY STATUS**, granted or approved by Canada Border Services Agency (CBSA) Security.
3. Subcontracts which contain security requirements are NOT to be awarded without the prior written permission of CBSA Security
4. The Contractor/Offeror must comply with the provisions of:
 - a. Security Requirements Check List and security guide (if applicable), attached at Annex C;
 - b. *Industrial Security Manual (Latest Edition)*.

In reference to item 2. above, the CBSA, will conduct its own personnel Reliability Status assessment of the Contractor (specifically the Contractor personnel), which is allowed under the Treasury Board Secretariat of Canada's (TBS) "Security and Contracting Management Standard" and the Policy on Government Security – Personnel Security Standard. Reliability Status assessment conducted by the CBSA will include a credit check.

If the Contractor (specifically the Contractor personnel), has already been screened under the TBS Policy on Government Security - Personnel Security Standard, the Contractor (specifically the Contractor personnel), will still undergo a security screening process to be conducted by the CBSA.

The credit check and fingerprinting*, if required, will be performed by an authorized security official with the CBSA's "Personnel Security Screening Section" (PSSS), which is independent of the Public Works and Government Services Canada's (PWGSC), "Canadian and International Industrial Security Directorate" (CIISD).

Until the credit check, fingerprinting* (if required) and all other security screening processes required have been completed and the Contractor (specifically the Contractor personnel) is deemed suitable by the CBSA, the Contractor (specifically the Contractor personnel) will not be permitted access to Protected / Classified information or assets, and further, will not be permitted to enter sites where such information or assets are kept.

*Fees are applicable. Fingerprinting will be at the Contractor's cost.

4.0 Term of Contract

4.1 Period of the Contract

The period of the Contract is from date of Contract to July 15, 2019 inclusive.

4.2 Option to Extend the Contract

The Contractor grants to Canada the irrevocable option to extend the term of the Contract by up to one (1) additional one (1) year period under the same conditions. The Contractor agrees that, during the extended period of the Contract, it will be paid in accordance with the applicable provisions as set out in the Basis of Payment.

Canada may exercise this option at any time by sending a written notice to the Contractor at least ninety (90) calendar days before the expiry date of the Contract. The option may only be exercised by the Contracting Authority, and will be evidenced for administrative purposes only, through a contract amendment.

4.3 Delivery Points

Delivery of the requirement will be made to delivery points specified at Annex "A" of the Contract.

5.0 Authorities

5.1 Contracting Authority

The Contracting Authority for the Contract is:

Name: Jessica Sultan
 Title: Executive Director
 Canada Border Services Agency
 Comptrollership Branch
 Directorate: Strategic Procurement and Material Management Division
 Address: 355 North River Road Tower B, Vanier ON K1A 0L8

Telephone: 343-291-5683
 E-mail address: Jessica.Sultan@cbsa-asfc.gc.ca

The Contracting Authority is responsible for the management of the Contract and any changes to the Contract must be authorized in writing by the Contracting Authority. The Contractor must not perform work in excess of or outside the scope of the Contract based on verbal or written requests or instructions from anybody other than the Contracting Authority.

Please address inquiries to:

Name: Alexandra Millan
Title: Team Leader
Canada Border Services Agency
Comptrollership Branch
Directorate: Strategic Procurement and Material Management Division
Address: 355 North River Road Tower B, Vanier ON K1A 0L8

Telephone: 613-617-4053
E-mail address: Alexandra.Millan@cbsa-asfc.gc.ca

5.2 Project Authority

The Project Authority for the Contract is:

Name: Carl Desmarais
Title: Director
Organization: Canada Border Services Agency
Programs Branch
Address: 100 Metcalfe Street, Ottawa ON K1A 0I8

Telephone: 613-948-7643
E-mail address: Carl.Desmarais@cbsa-asfc.gc.ca

In their absence, the Project Authority is:

Name: John Helsdon
Title: Manager
Organization: Canada Border Services Agency
Programs Branch
Address: 100 Metcalfe Street, Ottawa ON K1A 0L8

Telephone: 613-960-3579
Email address: John.Helsdon@cbsa-asfc.gc.ca

The Project Authority is the representative of the department or agency for whom the Work is being carried out under the Contract and is responsible for all matters concerning the technical content of the Work under the Contract. Technical matters may be discussed with the Project Authority; however, the Project Authority has no authority to authorize changes to the scope of the Work. Changes to the scope of the Work can only be made through a contract amendment issued by the Contracting Authority.

5.3 Contractor's Representative

The Contractor's representative is:

Name:

Title: Director

Organization: Canadian Red Cross Society

Capacity Building and Operational Development

Address: 6 Place du Commerce, Verdun QC H3E 1P4

Telephone:

Email address:

6.0 Proactive Disclosure of Contracts with Former Public Servants

By providing information on its status, with respect to being a former public servant in receipt of a Public Service Superannuation Act (PSSA) pension, the Contractor has agreed that this information will be reported on departmental websites as part of the published proactive disclosure reports, in accordance with Contracting Policy Notice: 2012-2 of the Treasury Board Secretariat of Canada.

7.0 Payment

7.1 Basis of Payment

The Contractor will be reimbursed for the costs plus administrative expenses reasonably and properly incurred in the performance of the Work, as determined in accordance with the Basis of Payment in Annex B, to a limitation of expenditure of \$1,139,619.00. Customs duties and taxes, if applicable, are included.

1. Canada's total liability to the Contractor under the Contract must not exceed the amount stated above.
2. No increase in the total liability of Canada or in the price of the Work resulting from any design changes, modifications or interpretations of the Work, will be authorized or paid to the Contractor unless these design changes, modifications or interpretations have been approved, in writing, by the Contracting Authority before their incorporation into the Work. The Contractor must not perform any work or provide any service that would result in Canada's total liability being exceeded before obtaining the written approval of the Contracting Authority. The Contractor must notify the Contracting Authority in writing as to the adequacy of this sum:
 - a. when it is 75 percent committed, or
 - b. four (4) months before the contract expiry date, or
 - c. as soon as the Contractor considers that the contract funds provided are inadequate for the completion of the Work,
whichever comes first.
3. If the notification is for inadequate contract funds, the Contractor must provide to the Contracting Authority a written estimate for the additional funds required. Provision of such information by the Contractor does not increase Canada's liability.

7.2 Method of Payment – Monthly

Canada will pay the Contractor on a monthly basis for work performed during the month covered by the invoice in accordance with the payment provisions of the Contract if:

- a. an accurate and complete invoice and any other documents required by the Contract have been submitted in accordance with the invoicing instructions provided in the Contract;
- b. all such documents have been verified by Canada;
- c. the Work performed has been accepted by Canada.

7.3 Electronic Payment of Invoices – Contract

The Contractor accepts to be paid using any of the following Electronic Payment Instrument(s):

- a. Direct Deposit (Domestic and International);

7.4 Time Verification

Time charged and the accuracy of the Contractor's time recording system are subject to verification by Canada, before or after payment is made to the Contractor. If verification is done after payment, the Contractor must repay any overpayment, at Canada's request.

8.0 Invoicing Instructions

1. Canada will pay the Contractor on a monthly basis for work performed during the month covered by the invoice in accordance with the payment provisions of the Contract if:
 - a. an accurate and complete invoice and any other documents required by the Contract have been submitted in accordance with the invoicing instructions provided in the Contract and include:
 - i. the date, the name and address of the client department, item or reference numbers, deliverable/description of the Work, contract number, Client Reference Number (CRN), Procurement Business Number (PBN), and financial code(s);
 - ii. details of expenditures (such as item, quantity, unit of issue, unit price, fixed time labour rates and level of effort, resources, travel, operational costs, expenses for meetings, program material, administrative fees, interpreter fees, subcontracts, as applicable) in accordance with the Basis of Payment, exclusive of Applicable Taxes;
 - iii. a separate line item for each subparagraph in the Basis of Payment provision
 - iv. deduction for holdback, if applicable;
 - v. the extension of the totals, if applicable; and
 - vi. if applicable, the method of shipment together with date, case numbers and part or reference numbers, shipment charges and any other additional charges.
 - b. all such documents have been verified by Canada;
 - c. the Work performed has been accepted by Canada.
2. Invoices must be distributed as follows:

The Contractor must send the original invoice to the Project Authority's paying office (CBSA Finance - NIRU) at the following location on a monthly basis:

All invoices must be submitted using the following method (only one copy of the invoice should be sent to the Agency):

Email: Only legible electronic (PDF, Word, Excel) files will be accepted; all others will be returned.

National Invoice Reception Unit (NIRU)
vendors-fournisseurs@cbsa-asfc.gc.ca

This email address is to be used for submitting invoices and for payment status inquiries.

IMPORTANT NOTE: *If a supplier omits any required information pertaining to payment processing from the invoice, the invoice will be returned at the discretion of the CBSA and will not be paid until valid payment referencing is provided.*

9.0 Compliance with Certifications and Additional Information

Unless specified otherwise, the continuous compliance with the certifications provided by the Contractor in its bid or precedent to contract award, and the ongoing cooperation in providing additional information are conditions of the Contract and failure to comply will constitute the Contractor in default. Certifications are subject to verification by Canada during the entire period of the Contract.

9.1 Federal Contractors Program for Employment Equity - Default by the Contractor

The Contractor understands and agrees that, when an Agreement to Implement Employment Equity (AIEE) exists between the Contractor and Employment and Social Development Canada (ESDC)-Labour, the AIEE must remain valid during the entire period of the Contract. If the AIEE becomes invalid, the name of the Contractor will be added to the "FCP Limited Eligibility to Bid" list. The imposition of such a sanction by ESDC will constitute the Contractor in default as per the terms of the Contract.

10.0 Applicable Laws

The Contract must be interpreted and governed, and the relations between the parties determined, by the laws in force in Ontario.

11.0 Priority of Documents

If there is a discrepancy between the wording of any documents that appear on the list, the wording of the document that first appears on the list has priority over the wording of any document that subsequently appears on the list.

- (a) the Articles of Agreement;
- (b) the supplemental general conditions 4008 (2008-12-12) Personal Information;
- (c) the general conditions 2035 (2016-04-04) Higher Complexity - Services;
- (d) Annex A, Statement of Work;
- (e) Annex B, Basis of Payment;
- (f) Annex C, Security Requirements Check List;
- (g) the Contractor's bid dated June 12, 2017.

12.0 Foreign Nationals (Canadian Contractor)

The Contractor must comply with Canadian immigration requirements applicable to foreign nationals entering Canada to work temporarily in fulfillment of the Contract. If the Contractor wishes to hire a foreign national to work in Canada to fulfill the Contract, the Contractor should immediately contact the

nearest Service Canada regional office to enquire about Citizenship and Immigration Canada's requirements to issue a temporary work permit to a foreign national. The Contractor is responsible for all costs incurred as a result of non-compliance with immigration requirements.

13.0 Insurance

The Contractor is responsible for deciding if insurance coverage is necessary to fulfill its obligation under the Contract and to ensure compliance with any applicable law. Any insurance acquired or maintained by the Contractor is at its own expense and for its own benefit and protection. It does not release the Contractor from or reduce its liability under the Contract.

14.0 Dispute Resolution

If a dispute arises out of, or in connection with, this Contract, including any question of its existence, interpretation, validity, or termination, the Parties shall attempt to resolve the dispute as follows prior to commencing legal proceedings.

The disputing Party will notify the other Party's service contacts set out in section 5.2 Project Authority or section 5.3 Contractor Representative in writing as to the subject matter at issue. Both Party representatives will endeavour to seek an amicable resolution using reasonable commercial efforts. If no resolution of the dispute is reached within thirty (30) Calendar Days of the initial written notification, then the matter will be referred to the signatories of this Agreement for resolution.

All information exchanged during the discussions or any subsequent dispute resolution process, which is not otherwise discoverable, will be regarded as "without prejudice" communications for the purpose of settlement negotiations and shall be treated as confidential by the parties and their representatives, unless otherwise required by law.

15.0 Guiding Principles

The Government of Canada acknowledges that while carrying out the Work under the Contract, the Contractor will adhere to the fundamental principles of the International Red Cross and Red Crescent Movement, which are humanity, impartiality, neutrality, independence, voluntary service, unity and universality. In the event the CRC finds itself in a situation where one or more of those principles is, or could be, breached as a result of carrying out the Work, the CRC will immediately inform the Project Authority so that a mutually agreeable solution is found. If no mutually agreeable solution is found, either party may trigger the dispute resolution clause, at which point the Contracting Authority may suspend the work as per 2035 (2016-04-04), General Conditions - Higher Complexity - Services, subsection 28.

ANNEX "A"**STATEMENT OF WORK****1.0 TITLE**

Monitoring Services of the Immigration Detention Facilities

2.0 OBJECTIVE

The Canada Border Services Agency (CBSA) requires the services of the Canadian Red Cross (CRC) to conduct immigration detention monitoring services as a reputable and neutral third-party organization. Acquiring these services for the CBSA is critical to assisting and ensuring that the Agency meets its strategic policy objective to provide safe, dignified and fair detention conditions in keeping with its duty of care obligations, to safeguard detainee rights and legal recourses; and to make continuous improvements to the overall immigration detention program. Monitoring of the immigration detention program supports the Government of Canada's (GoC) commitment to respect the human rights, dignity and protection of all persons in detention while upholding the rule of law.

3.0 BACKGROUNDCanadian Red Cross

The CRC is a reputable and neutral organization which is part of the largest humanitarian network in the world, the International Red Cross and Red Crescent Movement. It is mandated to assist vulnerable persons in Canada and worldwide.

Since 1999 through arrangements with the federal government, the CRC has been independently monitoring the CBSA's immigration detention program to ensure that persons detained pursuant to the *Immigration and Refugee Protection Act (IRPA)*, are held and treated in concordance with applicable domestic standards and in compliance with international instruments to which Canada is signatory. During this time, CRC has conducted over 240 site visits to Immigration Holding Centres (IHCs) and provincial correctional and other detention facilities across Canada, and has provided important feedback and expert advice on policies and programs at the systems level to the CBSA through their annual reports, detainee visits, communication, and regular meetings at the working and senior executive levels, which have led to continuous improvements to the immigration detention program for the benefit and well-being of detainees. Providing regular independent and unbiased reviews of their monitoring activities has been critical in ensuring that reviews and recommendations are transparent, impartial, and where appropriate, confidential and in the best interest of immigration detainees.

Immigration Detention

Canada's *IRPA* stipulates who is inadmissible to Canada, including for reasons of security, human or international rights violations or organized criminality. Under the *IRPA*, the CBSA has authority to arrest, detain and remove permanent residents and foreign nationals who are found to be inadmissible to Canada.

Under Section 55 of the *IRPA*, a CBSA officer has the authority to detain permanent residents or foreign nationals where there are reasonable grounds to believe the person is inadmissible to Canada and the person is:

- considered to be a danger to the public;

- unlikely to appear for examination, an admissibility hearing or removal from Canada;
- unable to satisfy the officer of his/her identity (applies only to foreign nationals); or
- designated as part of an irregular arrival by the Minister of Public Safety and Emergency Management.

As well, at a port of entry an officer may detain an individual where it is necessary to complete an immigration examination, or where an officer has reasonable grounds to suspect the person is inadmissible for security reasons, because of human or international rights violations, serious criminality, criminality or organized criminality.

The CBSA also has the statutory obligation to remove individuals as soon as possible. The CBSA is the sole federal accountable immigration detention authority, and as such, is responsible for the care and control of immigration detainees.

Detention can be used at the beginning of the enforcement process when the identity of a non-citizen has yet to be established or if the person is believed to be a danger to the public. It can also be used at the end of the enforcement process when removal is imminent and the person is unlikely to appear for removal.

The CBSA's policy and guidelines are clear; if detention is required for immigration purposes, it should be for the shortest time possible. Several factors must be considered when deciding to detain an individual, including the availability and potential use of alternatives to detention when appropriate; allowing a person to be released under specific terms and conditions, such as deposits and guarantees; and, reporting requirements. When making detention decisions, CBSA officers are guided by the *IRPA* and its regulations, as well as CBSA detention guidelines. Each decision rests on a set of individual circumstances that must be assessed on their own merit. Officers must always consider the impact releasing someone into the community would have on the safety of Canadians.

All individuals subject to detention are entitled to a detention review(s), according to timelines specified within the *IRPA* and its regulations. These detention reviews are conducted and decisions are made by the Immigration and Refugee Board (IRB), an independent quasi-judicial body that makes determinations on immigration-related matters. IRB detention reviews are generally conducted 48 hours after a person is detained and subsequent reviews are carried out within the following seven days and every 30 days thereafter.

In addition to detention reviews, most detainees will be subject to immigration hearing procedures that are undertaken to rectify their immigration status within Canada. These hearings are also undertaken by the IRB. The CBSA, which is party to inadmissibility hearings, may be requested to appear on behalf of the Minister to support the facts alleged in Section 44 inadmissibility reports as outlined in the *IRPA*.

4.0 SCOPE OF WORK

The Contractor must provide immigration detention monitoring services to ensure that individuals detained pursuant to the *IRPA* in any Canadian facility, CBSA-operated or otherwise, are held and treated in compliance with applicable detention standards and international instruments to which Canada is signatory.

The four key areas of focus of the monitoring services are:

- The conditions of detention – the state of the detention environment (e.g. facility, lighting, food, recreation, well-being of detainee in that environment);
- The treatment of detainees by facility staff, contractors and other detainees;

- The legal guarantees and safeguards – ability of detainees to exercise their human rights, access to procedural safeguards (e.g. Canadian Charter of Human Rights, effective legal remedies, protection from arbitrary detention); and
- The detainee's ability to contact and maintain contact with family

In keeping with the main focus of the monitoring services, the scope of work includes:

- Conducting at least 71 visits up to a maximum of 86 visits over the course of a year to the Canadian facilities (CBSA-operated immigration holding centres (IHCs), provincial correctional facilities and other municipal or territorial detention facilities) across Canada to ensure that persons detained pursuant to Section 55 of the *IRPA* (<http://laws.justice.gc.ca/eng/acts/I-2.5/page-11.html#h-30>) are held and treated in accordance with applicable domestic laws and international standards;
- Conducting responses to CBSA notification requests to visit unaccompanied minors and/or detained individuals who are unable to appreciate immigration proceedings which are held in detention beyond 48 hours;
- Conducting special/ad hoc visits in the event of an emerging issue or incident which may include mental or medical health issues, hunger strikes and a death in custody, or in the event of an irregular arrival where a designation of a foreign national has been made by the Minister of Public Safety and Emergency Management;
- Identifying gaps, problems or failures in the detention system that impact the conditions of detention and the treatment of individuals;
- Providing evidence-based advice and reports to CBSA management, focused on systems and which include: facility reports; regional quarterly reports; national annual report; ad-hoc reports in the event of an emerging issue; and monitoring activity reports; and,
- Making evidence-based recommendations to the CBSA or other detaining authorities that would lead to improvements in the overall detention environment for immigration detainees.

5.0 TASKS

The Contractor must:

1. Attend an introductory meeting with the CBSA to discuss the overall objectives to ensure that immigration detainees are held and treated in a safe detention environment and in accordance with applicable detention standards;
2. Establish a team of resources that will be ready to begin carrying out the monitoring services starting by the beginning of September 2017.
3. For each of the monitoring periods identified below, develop a work plan that includes at a minimum the information listed under i to iv.

Date of contract award to about August 31	Ramp up of operations – hiring of staff, security verifications, training, etc.
Monitoring Period 1	Minimum Number of visits
Beginning of September 2017 to Dec 31, 2017	24
Jan 1 to Mar 31, 2018	18
Monitoring Period 2	Minimum Number of visits
Apr 1 to June 30, 2018	18
July 1 to Sept 30, 2018	18
Oct 1 to Dec 31, 2018	18
Jan 1 to Mar 31, 2019	17
Monitoring Period 3	Minimum Number of visits

Apr 1 to June 30, 2019	18
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Each work plan must include at a minimum, sections on monitoring visits, monitoring activities, meetings and primary points of contact as outlined below.

i. Monitoring Visits:

- The schedule of the minimum number of visits to be conducted in each quarter by province and type of facility (CBSA IHCs, provincial correctional, municipal and other detention facilities).

In Table 1 is a list of core facilities and centres where the majority of immigration detainees are being held.

Table 1

Province	Major Facilities	Medium Facilities	Immigration Holding Centres
Québec	Rivière-des-Prairies	Prison Bordeaux	Centre de Surveillance
Ontario	Ottawa-Carleton Central East –Lindsay Maplehurst - Milton Vanier Institute – Milton	Toronto East Scarborough Niagara – Thorold South West - Windsor	Toronto Immigration Holding Centre
Manitoba	Winnipeg Remand Centre	Headingley	-
Alberta	Calgary Remand Centre Edmonton Remand Centre	-	-
British Columbia	Fraser Correctional North Fraser Pretrial Centre	Alouette Centre for Women – Maple Ridge RCMP Surrey Surrey Pretrial Services Centre Vancouver City Jail	British Columbia Immigration Holding Centre

CRC must visit all core detention facilities including all Immigration Holding Centres (IHCs) and major facilities three times per year, all medium facilities 2 times per year. The CRC may visit other facilities not included in Table 1 where serious concerns have been identified. The outline and frequency of visits by province is in Table 2.

Table 2:

Provinces	# of IHCs	# of Visits	# of Major Facilities	# of Visits	# of Medium Facilities	# of Visits	Total
AB	0	0	2	6	0	0	6
BC	1	3	2	6	4	8	17
MB	0	0	1	3	1	2	5
ON	1	3	4	12	3	6	21
QC	1	3	1	3	1	2	8

Total	3	9	10	30	9	18	57
Notification Requests	Notification responses at 20% of monitoring visits						11
Special/Ad hoc Visits	Special visits at 5% of monitoring visits						3
Total							71

Note: For the GTA

- a major facility is one that holds 300 or more male detainees per year and 100 or more female detainees per year
- a medium facility is one that holds between 10-100 detainees per year
- a small facility is one that holds up to 75 detainees per year

Up to an additional 15 visits could come from visits to CBSA facilities, facilities with which the CBSA already has an MOU, from facilities where the CBSA negotiates a new MOU, or from visits to facilities where there is an irregular arrival and where a designation of a foreign national has been made by the Minister of Public Safety and Emergency Management, provided that the total number of visits per 12 month reporting period does not exceed 86.

Table 3 lists potential facilities and frequency of visits by province to which the CBSA may gain access through new MOUs.

Table 3

Provinces	# of IHCs	# of Visits	# of Major Facilities	# of Visits	# of Medium Facilities	# of Visits	# of Small Facilities	# of Visits	Total	
SK	0	0	0	0	2	4	0	0	4	
NS	0	0	0	0	0	0	1	2	2	
NB	0	0	0	0	0	0	1	2	2	
PEI	0	0	0	0	0	0	1	2	2	
NL	0	0	0	0	0	0	1	2	2	
Total	0	0	0	0	2	4	4	8	12	
Notification Requests	Notification responses at 20% of 12 monitoring visits									2
Special/ Ad hoc Visits	Special visits at 5% of 12 monitoring visits									1
Total										15

ii. Monitoring Activity:

- Outline how the work will be carried out as per the schedule to ensure the minimum number of visits and additional visits will be conducted.
- Outline the methodology and criteria by which the conditions of detention and treatment of detainees will be assessed to ensure compliance with applicable domestic and international instruments to which Canada is signatory

iii. Meetings:

- Identify the number and level of meetings to be held with the CBSA, other detention authorities and their staff throughout the monitoring period

iv. Primary Points of Contact:

- Identify the points of contact for CBSA notifications and external communication requests

Note: The CBSA will provide their regional and head quarter points of contact.

4. Carry out, as per the schedule in the work plan, a minimum of 71 up to a maximum of 86 monitoring visits of immigration detainees being held in IHCs and other detention facilities across Canada to:

- i. observe, gather and assess whether they are being held and treated in compliance with applicable detention standards and practices;
- ii. identify gaps in the immigration detention system;
- iii. develop recommendations to improve detention conditions; and,
- iv. communicate with detention facility authorities the findings and recommendations, as well as any follow-up required.

5. Develop monitoring reports summarizing findings and recommendations to improve the detention environment for the benefit of present and future immigration detainees and submit them to the detention facility authorities. Schedule and carry out meetings with detention facility authorities, either CBSA, provincial correctional, municipal or other authority at regional and/or national levels to ensure that issues are addressed promptly.

Report	Frequency	Description	Language	Due date
Facility	After each visit (including visits in response to Notification Requests)	Identifies operational issues that need to be addressed within the facilities (e.g. required upgrades to detention facilities, increased selection of food to meet religious or dietary restrictions) and follow-up as required to ensure issues are resolved.	English and/or French depending on the regional preference	Verbal feedback to be provided to the facility authority immediately or no later than 2 business days after the visit followed by a written report in MS Word sent via email within 2 weeks of the assessment to the facility authority with a copy to the CBSA Project Authority at National Headquarters.
Regional quarterly	After every three month period. For the first monitoring period, the quarterly report will include reporting on monitoring visits conducted from	Generally summarizes monitoring activities (i.e. visits, interviews with detainees, detention facility authorities and staff), findings and recommendations, and follow-up on outstanding issues and recommendations.	English and/or French depending on the regional preference	A written report using MS Word sent via email to the regional CBSA or provincial representative and Project Authority within 2 weeks of the end of the three month period. For the 1 st monitoring period, this report will be due mid-January 2018.

	Sept 2017 to Dec 31, 2017.			
National annual report - presentation	At the end of the 12 month monitoring period. The first annual report will only cover the monitoring services from Sept 2017 to Mar 31/18.	Summarizes and receive feedback from the CBSA on the monitoring activities (i.e. visits, interviews with detainees, detention facility authorities and/or staff), findings and recommendations for the year based on compliance with national and international standards against which the facilities are being measured and supported by evidence-based information. CBSA will provide a written management action plan in response to the CRC recommendations, which will to be integrated in the final report.	English and French	To the CBSA Project Authority no later than 30 business days after the end of the monitoring period to discuss the CRC findings and recommendations
National annual report – final report	At the end of the 12 month monitoring period. The first annual report will only cover the monitoring services from Sept 2017 to Mar 31/18.	The final national annual report incorporates the CBSA's management action plan to address the findings and recommendations. This report will be publicly posted by the CBSA on the Government of Canada website.	English and French	To the CBSA Project Authority using MS Word sent via email within 60 business days of the presentation of the annual report
Special/ad-hoc	After each visit	Focusing on the four key areas of the monitoring services: <ul style="list-style-type: none">- in the event of an emerging issue/incident (e.g. protest, death in custody), the actions taken to resolve the issue, the findings based on the initial visit and interviews with staff, the recommendations and any follow-up post the initial visit;- in the event of an irregular arrival designated by the Minister of Public Safety and Emergency Management	English and/or French, depending on the regional preference	Verbal feedback to be provided immediately to the facility authority or no later than 2 business days after the visit followed by a written report in MS Word sent via email within 2 weeks of the visit to the facility authority with a copy of to the CBSA Project Authority at National Headquarters

6. Submit the following monitoring activity reports:

Report	Frequency	Description	Language	Due date
Quarterly monitoring activity report	After every three month period. For the first monitoring period, the report will include from Sept 2017 to Dec 31, 2017.	i. number of visits and interviews conducted with detainees (including number of responses to CBSA notification requests for unaccompanied minors or persons who cannot appreciate or understand immigration proceedings and/or emerging issues/incidents); and ii. meetings conducted with detention facility authorities and staff, as well as CBSA officials at IHCs, regional offices and NHQ.	English	A written report using MS Word sent via email to the Project Authority within 2 weeks of the end of the three month period. For the 1 st monitoring period, this report will be due mid-January 2018.

7. Follow-up on issues with the CBSA regarding findings and recommendations made at the facility, regional and national level to measure change over time. In the event that an issue remains unresolved, notify the Project Authority for response.

8. Inform the CBSA of the methodology for conducting the monitoring services as well as the criteria against which they will be assessed to ensure that consistent quality of monitoring services is being provided across Canada, and share the result of quality assessments with the CBSA.

6.0 GOVERNMENT FACILITATION OF ACCESS AND INFORMATION

The CBSA will provide the Contractor unfettered access to all persons being held in detention facilities under the control and management of the CBSA. As required, the CBSA will escort the Contractor and its resources into IHC facilities and areas where they will meet with immigration detainees to conduct their confidential meetings.

In cases where the Contractor is denied access to non-CBSA facilities, the CBSA Region or Headquarters will endeavour, to the fullest extent possible and subject to any lawful limitations, to facilitate access to immigration detainees being held in detention facilities under the control and management of other federal, provincial, territorial or municipal authorities.

Following the initial detention review by the IRB and after 48 hours, in accordance with the legislative and /or procedural protocols established by the CBSA, the CBSA will notify the CRC's established point(s) of

contact of unaccompanied minors being detained or housed in detention under the age of 18 and/or persons who are unable to appreciate the nature of proceedings before the IRB.

The CBSA will provide limited information regarding a detainee's case history (i.e. country of origin, gender, ethnicity, language of origin) that is required by the contractor to effectively conduct monitoring visits with detainees and which is relevant to assess detention operations. These data elements do not identify any individual(s) and are not considered personal information.

The CBSA will notify the CRC when an emerging issue or incident occurs (e.g. hunger strike, allegation of abuse, death incident) so that the CRC may conduct a monitoring visit to ensure the well-being of other detainees as well as and the detention environment.

7.0 INFORMATION AND EXTERNAL COMMUNICATION

7.1 Management of Personal Information:

Subject to any lawful limitations and in accordance with privacy and personal information legislation, the Contractor must respect:

- the confidentiality of the information provided by the CBSA on individuals being detained pursuant to *IRPA*;
- the confidentiality of information collected from the individual upon their consent during confidential interviews;
- the limitations on the release of this information to any person or third party except if such release is specifically authorized by law.

The CRC disclosures would be of a non-personal nature, reporting on the detention system, rather than on individuals. If consent is provided, the CRC may disclose some personal information about the immigration detainee to address a particular situation. If there are circumstances where the individual may harm themselves or others, it is expected that the CRC would inform the CBSA and detention facility authority so they may take appropriate measures to mitigate risks.

7.2 External Communication:

The CRC must respond to all requests for information related to its role and responsibilities. All other inquiries related to the CBSA's role and responsibilities will be redirected to the CBSA.

Planned announcements:

- where there are planned announcements that reference both parties, such as News Releases, CBSA communications will engage the CRC communications in advance, and vice-versa, to discuss the content of, and finalize the announcement.

Media Inquiries:

- both parties will respond to their respective media inquiries. In the cases where the CBSA references the CRC, the CBSA will notify CRC and vice-versa
- neither party will respond on behalf of the other but rather defer the inquiry to the respective party
- regarding public disclosure of incidents, CRC will not confirm or deny, nor speak to details of, any incidents involving detention facilities or detainees and will refer all inquiries to CBSA
- CRC will limit comments to explaining its role in detention monitoring and protocols followed in the event of an incident in a facility covered under Section 5.0 Tasks.

Access to Information and Privacy (ATIP) Requests:

- Both parties will respect the ATIP process and respond to these requests in alignment with the legislation and protocol that govern the process
- If a CRC annual report was previously released via an ATIP request, the CBSA will release the approved version, following ATIP protocol, in response to any subsequent request including those from the media.

Monitoring Reports

- Reports must respect the restrictions on the release of any personal information as per provisions of the Federal Privacy Act.
- The National Annual Reports, authored by CRC, will be made public on the CBSA/Government of Canada website. CRC will not post the reports on CRC website or otherwise distribute or make public the annual report.
- CBSA is solely responsible for commenting publicly on their response to CRC findings and recommendations contained in the reports along with CBSA action plans and responses to CRC findings and recommendations.
- CRC may comment publicly on the methodology of reporting and the standards monitored. CRC will not comment on the specifics conditions of individual detention facilities or incidents referenced within the reports.

Use of Logos

- CBSA and CRC must not, in any manner, use each other's name, logo, emblem or official seal or any other element of their visual identity, or any abbreviation thereof, in their visual communications (i.e. print or digital) without their expressed written consent.

Litigation Management

- Both parties will respect the litigation process and respond to information requests in line with the legislation and protocol that govern the process

8.0 DELIVERABLES and ASSOCIATED SCHEDULE

1. Introductory meeting with the CBSA – within one week of the contract award.
2. For each monitoring period, a work plan to be submitted to the CBSA Project Authority in English via email and finalized within 10 business days of reviewing with the CBSA.

Monitoring Period	Draft Work Plan Due
Beginning of September 2017 to March 31, 2018	July 30, 2017
April 1, 2018 to March 31, 2019	March 1, 2018
April 1, 2019 to June 30, 2019	March 1, 2019

3. Monitoring reports and monitoring activity reports as per Section 5.0 Tasks.
4. Scheduled meetings with CBSA representatives as per Section 5.0 Tasks or as needed.

9.0 CONSTRAINTS

To facilitate the planning of scheduled* visits, the Contractor will need to schedule monitoring site visits with IHCs, provincial and other detention facility authorities in advance of visits. On occasion, the Contractor will be able to conduct unplanned** visits with IHCs and other detention facilities where the detention authority has provided access to do so.

In order for the Contractor to increase its monitoring activities in provinces where it currently does not have access (Saskatchewan, Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland), the CBSA will need to first negotiate access to these facilities with the provinces through a negotiated Memorandum of Understanding. The CBSA will notify the CRC within 60 days of any new MOU being signed.

The Contractor must be able to carry out interviews and discussions with immigration detainees in English or in French. Where possible, the Contractor should provide interpreters for detainees who do not speak either English or French.

*Detention facility operators should be contacted at least 7 calendar days prior to a visit occurring in order to make necessary arrangements.

**An unplanned visit is defined as providing 24 hour notice to the detention facility authority of the intended visit for appropriate arrangements to be made to ensure the safety and security of CRC personnel.

10.0 LANGUAGE OF WORK

Communications with and services to the public will be conducted in both official languages, as prescribed in accordance with the Treasury Board's policies and directives on official languages.

All communication with immigration detainees must be provided in either English or French and where possible with the assistance of an interpreter.

All services and communication with CBSA and other detention facility authorities must be provided in one or both official languages, English and French, depending on the regional preference.

11.0 TRAVEL REQUIREMENTS

The Contractor must travel to locations as outlined in tables 2 and 3 in section 5.0 Tasks.

All travel must be in accordance with Annex B, Basis of Payment.

12.0 APPLICABLE DOCUMENTS

The Contractor will monitor compliance with all applicable detention standards and international instruments to which Canada is signatory including, and where applicable, as provided to the Contractor:

- The Immigration and Refugee Protection Act (2001, amended 2008)
<http://laws.justice.gc.ca/eng/acts/i-2.5/>
- Canadian Charter of Rights and Freedoms (1982)
<http://laws-lois.justice.gc.ca/eng/Const/page-15.html>
- UN Convention Relating to Refugee Status (1951) and Protocol (1967)
<http://www.unhcr.org/3b66c2aa10>
- UN Convention on the Rights of the Child (1989)
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>
- UN Convention on the Rights of Persons with Disabilities (2006)

- http://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf
- UN Convention against Torture (1987)
http://legal.un.org/avl/pdf/ha/catcidtp/catcidtp_e.pdf
- UNHCR Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention (1999, revised 2012)
- <http://www.unhcr.org/505b10ee9.html>
- UNHCR 2014-2019 Beyond Detention: A global strategy to support governments to end the detention of asylum-seekers and refugees (2014)
<http://www.unhcr.org/53aa929f6.pdf>
- The Standard Minimum Rules for the Treatment of Prisoners (1955)
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/TreatmentOfPrisoners.aspx>
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988)
http://www.tjsl.edu/slomansonb/10.3_DetentionImprisonment.pdf
- CBSA Detention Guidelines and Standards (once finalized)

Other Applicable Documents:

- Federal Privacy Act (1985)
<http://laws-lois.justice.gc.ca/eng/acts/P-21/>
- Access to Information Act (1985)
<http://laws-lois.justice.gc.ca/eng/acts/A-1/>
- Library and Archives of Canada Act (2004)
<http://laws-lois.justice.gc.ca/eng/acts/L-7.7/>
- Policy on Government Security (2012)
<http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=16578>
- Personal Information Protection and Electronic Documents Act (PIPEDA) and applicable provincial privacy legislation (2000)
<http://laws-lois.justice.gc.ca/eng/acts/P-8.6/>

13.0 LOCATION OF WORK

The monitoring services will be conducted at various detention facilities across Canada including Alberta, British Columbia, Manitoba, Ontario and Quebec and in other provinces and/or territories where access will be provided. Meetings with IHC detention authorities will take place in IHCs or CBSA regional offices and meetings with provincial and/or territorial detention authorities will take place in provincial/territorial correctional facilities and/or provincial regional offices. Meetings at the national level will take place in CBSA national headquarters within the National Capital Region. All other work will be conducted at the Contractor's place of business.

ANNEX "B"**BASIS OF PAYMENT****A- Contract Period (From date of contract award to July 15, 2019 inclusive.)**

During the period of the Contract, for Work performed in accordance with the Contract, the Contractor will be paid as specified below.

The Contractor will be paid to a limitation of expenditure based on the following breakdown:

1.0 Professional Fees

Resource Category	All-inclusive per diem rate (Cdn \$)
Program Manager	
Quality Management Advisor	
IDMP Officers	

For the purpose of this Contract, a day is defined as 7.0 hours of work, exclusive of meal breaks. Payment will be made for days actually worked, with no provision for annual leave, statutory holidays and sick leave. If time worked is more or less than a day, the all-inclusive fixed daily rate must be prorated to reflect the actual time worked.

Total Estimated Cost of Professional Fees:**2.0 Cost Reimbursable Expenses****2.1 Travel and living expenses for Work**

Concerning the requirements to travel described in the Statement of Work in Annex A, the Contractor will be reimbursed its authorized travel and living expenses reasonably and properly incurred in the performance of the Work done, delivered or performed, at cost, without any allowance for profit and administrative overhead, in accordance with and up to a maximum of the meal, private vehicle and incidental expenses provided in Appendices B, C and D of the National Joint Council Travel Directive; and with the other provisions of the directive referring to "travellers", rather than those referring to "employees".

Canada will not accept travel and living expenses that may need to be incurred by the Contractor for any relocation of resources required to satisfy its contractual obligations.

The travel and living expenses will be paid upon submission of an itemized statement supported by receipt vouchers. All payments are subject to government audit.

Total Estimated Cost of Travel and Living Expenses:**2.2 Other Direct Expenses**

Expenses	Estimated Cost (Cdn \$)
Interpreters	\$

Operational Costs	
Program Material	
Meeting Expenses	
Administrative Fees (12%)	

Total Estimated Cost of Other Direct Expenses:**3.0 Total Estimated Cost to a Limitation of Expenditure- Contract Period:**

With the exception of the all-inclusive fixed time rates specified above, the amounts shown in this section of the annex are estimates only. Minor changes to these estimates will be accepted for billing purposes as the Work proceeds, provided that these changes have the prior approval of the Project Authority, and provided that the total estimated cost of the Contract does not exceed the Limitation of Expenditure specified in clause 7.1, Basis of Payment, of the Contract.

B- Option to Extend the Term of the Contract

This section is only applicable if the option to extend the Contract is exercised by Canada.

During the extended period of the Contract specified below, the Contractor will be paid as specified below to perform all the Work in relation to the Contract extension.

B-1.0 Extended Contract Period (one year)**B-1.1 Professional Fees**

Resource Category	All-inclusive per diem rate (Cdn \$)
Program Manager	
Quality Management Advisor	
IDMP Officers	

For the purpose of this Contract, a day is defined as 7.0 hours of work, exclusive of meal breaks. Payment will be made for days actually worked, with no provision for annual leave, statutory holidays and sick leave. If time worked is more or less than a day, the all-inclusive fixed daily rate must be prorated to reflect the actual time worked.

Total Estimated Cost of Professional Fees:**B-1.2 Cost Reimbursable Expenses****B-1.2.1 Travel and living expenses for Work**

Concerning the requirements to travel described in the Statement of Work in Annex A, the Contractor will be reimbursed its authorized travel and living expenses reasonably and properly incurred in the

performance of the Work done, delivered or performed, at cost, without any allowance for profit and administrative overhead, in accordance with and up to a maximum of the meal, private vehicle and incidental expenses provided in Appendices B, C and D of the National Joint Council Travel Directive; and with the other provisions of the directive referring to "travellers", rather than those referring to "employees".

Canada will not accept travel and living expenses that may need to be incurred by the Contractor for any relocation of resources required to satisfy its contractual obligations.

The travel and living expenses will be paid upon submission of an itemized statement supported by receipt vouchers. All payments are subject to government audit.

Total Estimated Cost of Travel and Living Expenses:

B-1.2.2 Other Direct Expenses

Expenses	Estimated Cost (Cdn \$)
Interpreters	
Operational Costs	
Program Material	
Meeting Expenses	
Administrative Fees (12%)	

Total Estimated Cost of Other Direct Expenses:

B-1.3 Total Estimated Cost to a Limitation of Expenditure – Option Period:

With the exception of the all-inclusive fixed time rates specified above, the amounts shown in this section of the annex are estimates only. Minor changes to these estimates will be accepted for billing purposes as the Work proceeds, provided that these changes have the prior approval of the Project Authority, and provided that the total estimated cost of the Contract does not exceed the Limitation of Expenditure specified in clause 7.1, Basis of Payment, of the Contract.

ANNEX "C"

SECURITY REQUIREMENTS CHECK LIST

 Government of Canada	Gouvernement du Canada	Contract Number / Numéro du contrat 1000335438 Security Classification / Classification de sécurité NON-CLASSIFIED																					
SECURITY REQUIREMENTS CHECK LIST (SRCL) LISTE DE VÉRIFICATION DES EXIGENCES RELATIVES À LA SÉCURITÉ (LVERS)																							
PART A - CONTRACT INFORMATION / PARTIE A - INFORMATION CONTRACTUELLE																							
1. Originating Government Department or Organization / Ministère ou organisme gouvernemental d'origine 2. Branch or Directorate / Direction générale ou Direction Canada Border Services Agency - Agence de la Sécurité frontalière du Canada Intelligence and Enforcement - Programmes Branch																							
3. a) Subcontract Number / Numéro du contrat de sous-traitance 3. b) Name and Address of Subcontractor / Nom et adresse du sous-traitant																							
4. Brief Description of Work / Brève description du travail Independent monitoring of the CBSA's Immigration Detention Program processes including the conditions of detention; the treatment of detainees by facility staff, contractors and other detainees; the legal guarantees and safeguards; and the detainees' ability to contact and maintain contact with family																							
5. a) Will the supplier require access to Controlled Goods? Le fournisseur aura-t-il accès à des marchandises contrôlées? <input checked="" type="checkbox"/> No <input type="checkbox"/> Non <input type="checkbox"/> Yes <input type="checkbox"/> Oui																							
5. b) Will the supplier require access to unclassified military technical data subject to the provisions of the Technical Data Control Regulations? Le fournisseur aura-t-il accès à des données techniques militaires non classifiées qui sont assujetties aux dispositions du Règlement sur le contrôle des données techniques? <input checked="" type="checkbox"/> No <input type="checkbox"/> Non <input type="checkbox"/> Yes <input type="checkbox"/> Oui																							
6. Indicate the type of access required / Indiquer le type d'accès requis 6. a) Will the supplier and its employees require access to PROTECTED and/or CLASSIFIED information or assets? Le fournisseur ainsi que les employés auront-ils accès à des renseignements ou à des biens PROTÉGÉS et/ou CLASSIFIÉS? <input type="checkbox"/> No <input checked="" type="checkbox"/> Non <input type="checkbox"/> Yes <input type="checkbox"/> Oui (Specify the level of access using the chart in Question 7, c.) (Préciser le niveau d'accès en utilisant le tableau qui se trouve à la question 7, c.)																							
6. b) Will the supplier and its employees (e.g. cleaners, maintenance personnel) require access to restricted access areas? No access to PROTECTED and/or CLASSIFIED information or assets is permitted. Le fournisseur et ses employés (p. ex. nettoyeurs, personnel d'enlèvement) auront-ils accès à des zones d'accès restreintes? L'accès à des renseignements ou à des biens PROTÉGÉS et/ou CLASSIFIÉS n'est pas autorisé. <input type="checkbox"/> No <input type="checkbox"/> Non <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Oui																							
6. c) Is there a commercial courier or delivery requirement with no overnight storage? S'agit-il d'un contrat de messagerie ou de livraison commerciale sans entreposage de nuit? <input checked="" type="checkbox"/> No <input type="checkbox"/> Non <input type="checkbox"/> Yes <input type="checkbox"/> Oui																							
7. a) Indicate the type of information that the supplier will be required to access / Indiquer le type d'information auquel le fournisseur devra avoir accès Canada <input checked="" type="checkbox"/> NATO / OTAN <input type="checkbox"/> Foreign / Étranger <input type="checkbox"/>																							
7. b) Release restrictions / Restrictions relatives à la diffusion No release restrictions Aucune restriction relative à la diffusion <input checked="" type="checkbox"/> All NATO countries Tous les pays de l'OTAN <input type="checkbox"/> Not releasable À ne pas diffuser <input type="checkbox"/> Restricted to: / Limité à : <input type="checkbox"/> Specify country(ies): / Préciser le(s) pays : Specify country(ies): / Préciser le(s) pays : Restricted to: / Limité à : <input type="checkbox"/> Specify country(ies): / Préciser le(s) pays : Restricted to: / Limité à : <input type="checkbox"/> Specify country(ies): / Préciser le(s) pays :																							
7. c) Level of information / Niveau d'information <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">PROTECTED A PROTÉGÉ A</td> <td style="width: 25%;">NATO UNCLASSIFIED NATO NON CLASSIFIÉ</td> <td style="width: 25%;">PROTECTED A PROTÉGÉ A</td> </tr> <tr> <td>PROTECTED B PROTÉGÉ B</td> <td>NATO RESTRICTED NATO DIFFUSION RESTREINTE</td> <td>PROTECTED B PROTÉGÉ B</td> </tr> <tr> <td>PROTECTED C PROTÉGÉ C</td> <td>NATO CONFIDENTIAL NATO CONFIDENTIEL</td> <td>PROTECTED C PROTÉGÉ C</td> </tr> <tr> <td>CONFIDENTIAL CONFIDENTIEL</td> <td>NATO SECRET NATO SECRET</td> <td>CONFIDENTIAL CONFIDENTIEL</td> </tr> <tr> <td>SECRET SECRET</td> <td>COSMIC TOP SECRET COSMIC TRÈS SECRET</td> <td>SECRET SECRET</td> </tr> <tr> <td>TOP SECRET TRÈS SECRET</td> <td></td> <td>TOP SECRET TRÈS SECRET</td> </tr> <tr> <td>TOP SECRET (SIGINT) TRÈS SECRET (SIGINT)</td> <td></td> <td>TOP SECRET (SIGINT) TRÈS SECRET (SIGINT)</td> </tr> </table>			PROTECTED A PROTÉGÉ A	NATO UNCLASSIFIED NATO NON CLASSIFIÉ	PROTECTED A PROTÉGÉ A	PROTECTED B PROTÉGÉ B	NATO RESTRICTED NATO DIFFUSION RESTREINTE	PROTECTED B PROTÉGÉ B	PROTECTED C PROTÉGÉ C	NATO CONFIDENTIAL NATO CONFIDENTIEL	PROTECTED C PROTÉGÉ C	CONFIDENTIAL CONFIDENTIEL	NATO SECRET NATO SECRET	CONFIDENTIAL CONFIDENTIEL	SECRET SECRET	COSMIC TOP SECRET COSMIC TRÈS SECRET	SECRET SECRET	TOP SECRET TRÈS SECRET		TOP SECRET TRÈS SECRET	TOP SECRET (SIGINT) TRÈS SECRET (SIGINT)		TOP SECRET (SIGINT) TRÈS SECRET (SIGINT)
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Security Classification / Classification de sécurité NON-CLASSIFIED																							





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du Canada

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PART A (continued) / PARTIE A (suite)

8. Will the supplier require access to PROTECTED and/or CLASSIFIED COMSEC information or assets?
Le fournisseur aura-t-il accès à des renseignements ou à des biens COMSEC désignés PROTÉGÉS et/ou CLASSIFIÉS?
If Yes, indicate the level of sensitivity.
Dans l'affirmative, Indiquer le niveau de sensibilité.

No Non Oui

9. Will the supplier require access to extremely sensitive INFOSEC information or assets?
Le fournisseur aura-t-il accès à des renseignements ou à des biens INFOSEC de nature extrêmement délicate?

No Non Oui

Short Title(s) of material / Titre(s) abrégé(s) du matériel;
Document Number / Numéro du document :

PART B - PERSONNEL (SUPPLIER) / PARTIE B - PERSONNEL (FOURNISSEUR)

10. a) Personnel security screening level required / Niveau de contrôle de la sécurité du personnel requis

<input checked="" type="checkbox"/> RELIABILITY STATUS COTE DE FIABILITÉ	<input type="checkbox"/> CONFIDENTIAL CONFIDENTIEL	<input type="checkbox"/> SECRET SECRET	<input type="checkbox"/> TOP SECRET TRÈS SECRET
<input type="checkbox"/> TOP SECRET- SIGINT TRÈS SECRET - SIGINT	<input type="checkbox"/> NATO CONFIDENTIAL NATO CONFIDENTIEL	<input type="checkbox"/> NATO SECRET NATO SECRET	<input type="checkbox"/> COSMIC TOP SECRET COSMIC TRÈS SECRET
<input type="checkbox"/> SITE ACCESS ACCÈS AUX EMPLACEMENTS			

Special comments:
Commentaires spéciaux : CBSA ENHANCED RELIABILITY SECURITY SCREENING

NOTE: If multiple levels of screening are identified, a Security Classification Guide must be provided.
REMARQUE : Si plusieurs niveaux de contrôle de sécurité sont requis, un guide de classification de la sécurité doit être fourni.

10. b) May unscreened personnel be used for portions of the work?
Du personnel sans autorisation sécuritaire peut-il se voir confier des parties du travail?
If Yes, will unscreened personnel be escorted?
Dans l'affirmative, le personnel en question sera-t-il escorté?

No Yes
 Non Oui

No Yes
 Non Oui

PART C - SAFEGUARDS (SUPPLIER) / PARTIE C - MESURES DE PROTECTION (FOURNISSEUR)

INFORMATION / ASSETS / RENSEIGNEMENTS / BIENS

11. a) Will the supplier be required to receive and store PROTECTED and/or CLASSIFIED information or assets on its site or premises?
Le fournisseur sera-t-il tenu de recevoir et d'enposer sur place des renseignements ou des biens PROTÉGÉS et/ou CLASSIFIÉS?

No Yes
 Non Oui

11. b) Will the supplier be required to safeguard COMSEC information or assets?
Le fournisseur sera-t-il tenu de protéger des renseignements ou des biens COMSEC?

No Yes
 Non Oui

PRODUCTION

11. c) Will the production (manufacture, and/or repair and/or modification) of PROTECTED and/or CLASSIFIED material or equipment occur at the supplier's site or premises?
Les installations du fournisseur serviront-elles à la production (fabrication et/ou réparation et/ou modification) de matériel PROTÉGÉ et/ou CLASSIFIÉ?

No Yes
 Non Oui

INFORMATION TECHNOLOGY (IT) MEDIA / SUPPORT RELATIF À LA TECHNOLOGIE DE L'INFORMATION (TI)

11. d) Will the supplier be required to use its IT systems to electronically process, produce or store PROTECTED and/or CLASSIFIED information or data?
Le fournisseur sera-t-il tenu d'utiliser ses propres systèmes informatiques pour traiter, produire ou stocker électroniquement des renseignements ou des données PROTÉGÉS et/ou CLASSIFIÉS?

No Yes
 Non Oui

11. e) Will there be an electronic link between the supplier's IT systems and the government department or agency?
Disposera-t-on d'un lien électronique entre le système informatique du fournisseur et celui du ministère ou de l'agence gouvernementale?

No Yes
 Non Oui

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PART C - (continued) / PARTIE C - (suite)

For users completing the form manually use the summary chart below to indicate the category(es) and level(s) of safeguarding required at the supplier's site(s) or premises.
Les utilisateurs qui remplissent le formulaire manuellement doivent utiliser le tableau récapitulatif ci-dessous pour indiquer, pour chaque catégorie, les niveaux de sauvegarde requis aux installations du fournisseur.

For users completing the form online (via the Internet), the summary chart is automatically populated by your responses to previous questions.
Dans le cas des utilisateurs qui remplissent le formulaire en ligne (par Internet), les réponses aux questions précédentes sont automatiquement saisies dans le tableau récapitulatif.

SUMMARY CHART / TABLEAU RÉCAPITULATIF

Category Catégorie	PROTECTED PROTÉGÉ			CLASSIFIED CLASSIFIÉ			NATO			COMSEC			
	A	B	C	CONFIDENTIAL	SECRET	TOP SECRET	NATO RESTRICTED	NATO CONFIDENTIAL	NATO SECRET	COMSEC TOP SECRET CONFIDENTIAL SECRET TOP SECRET	A	B	C
Information / Assets Renseignements / Biens Production	✓												
IT Media / Support TI	✓												
IT Link / Lien Électronique													

12. a) Is the description of the work contained within this SRCL PROTECTED and/or CLASSIFIED?

La description du travail visé par la présente LVERS est-elle de nature PROTÉGÉE et/ou CLASSIFIÉE?

 No Yes
 Non Oui

If Yes, classify this form by annotating the top and bottom in the area entitled "Security Classification".
Dans l'affirmative, classifiez le présent formulaire en indiquant le niveau de sécurité dans la case intitulée « Classification de sécurité » au haut et au bas du formulaire.

12. b) Will the documentation attached to this SRCL be PROTECTED and/or CLASSIFIED?

La documentation associée à la présente LVERS sera-t-elle PROTÉGÉE et/ou CLASSIFIÉE?

 No Yes
 Non Oui

If Yes, classify this form by annotating the top and bottom in the area entitled "Security Classification" and indicate with attachments (e.g. SECRET with Attachments).

Dans l'affirmative, classifiez le présent formulaire en indiquant le niveau de sécurité dans la case intitulée « Classification de sécurité » au haut et au bas du formulaire et indiquer qu'il y a des pièces jointes (p. ex. SECRET avec des pièces jointes).

Contract #: 2018000430



Government
of Canada Gouvernement
du Canada

Contract Number / Numéro du contrat
1000335438
Security Classification / Classification de sécurité NON-CLASSIFIED

PART D : AUTORISATION / PARTIE D : AUTORISATION

13. Organization Project Authority / Chargé de projet de l'organisme

Name (print) - Nom (en lettres moulées)	Title - Titre	Signature	
CARL DESMARAIS	Director, Detentions Transformation Prog		
Telephone No. - N° de téléphone 613-852-1921	Faximile No. - N° de télécopieur 613-854-2510	E-mail address - Adresse courriel carl.desmarais@cbsa-asfc.gc.ca	Date 2017-03-01

14. Organization Security Authority / Responsable de la sécurité de l'organisme

Name (print) - Nom (en lettres moulées)	Title - Titre	Signature	
ALLAN McDougall	Manager, Physical Security		
Telephone No. - N° de téléphone 343-291-7740	Faximile No. - N° de télécopieur	E-mail address - Adresse courriel allan.mcdougall@cbsa-asfc.gc.ca	Date 2017-03-02

**15. Are there additional instructions (e.g. Security Guide, Security Classification Guide) attached?
Des Instructions supplémentaires (p. ex. Guide de sécurité, Guide de classification de la sécurité) sont-elles jointes?**

No

Yes

16. Procurement Officer / Agent d'approvisionnement

Name (print) - Nom (en lettres moulées)	Title - Titre	Signature	
Alexandra Milian	Team Leader		
Telephone No. - N° de téléphone 613-291-4053	Faximile No. - N° de télécopieur	E-mail address - Adresse courriel alexandra.milian@frsia-asfc.gc.ca	Date March 2017

17. Contracting Security Authority / Autorité contractante en matière de sécurité

Name (print) - Nom (en lettres moulées)	Title - Titre	Signature	
LYNCH JOHN	<small>Document released under the Access to Information Act Document divulgué en vertu de la Loi sur l'accès à l'information. Document released under the Access to Information Act Document divulgué en vertu de la Loi sur l'accès à l'information.</small>		
Telephone No. - N° de téléphone	Faximile No. - N° de télécopieur	E-mail address - Adresse courriel	Date

TBS/SCT 350-103(2004/12)

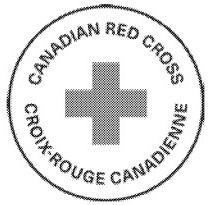
Security Classification / Classification de sécurité
NON-CLASSIFIED



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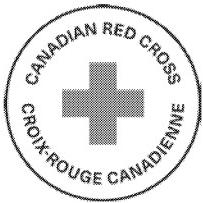
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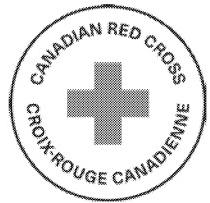
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List of Abbreviations

CBSA	Canada Border Services Agency
CRCS	Canadian Red Cross Society
CSI	Centre de surveillance de l'immigration
IDMP	Immigration Detention Monitoring Program
IHC	Immigration Holding Centre
IRB	Immigration and Refugee Board
IRPA	Immigration and Refugee Protection Act
IRPR	Immigration and Refugee Protection Regulations
NGO	Non-Governmental Organization
UNHCR	United Nations High Commissioner for Refugees

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Executive Summary

This report highlights the 2017-2018 observations and recommendations of the Canadian Red Cross Society (CRCS), related to its Agreement with the Canada Border Services Agency (CBSA), on the Immigration Detention Monitoring Program (IDMP).

Pursuant to this agreement, the CRCS monitoring activities focus on the following areas:

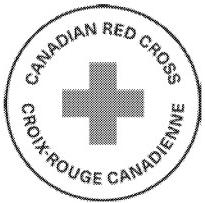
- The material conditions of detention;
- The treatment of detainees;
- The legal guarantees and safeguards; and
- The immigration detainees' ability to maintain contact with their families.

Under the reporting period, the IDMP carried out a total of fifteen (15) visits to detention facilities holding immigration detainees between December 2017 and end of March 2018. Based on our observations made during this reporting period, CRCS grouped its concerns into the following five themes:

- Co-mingling of immigration detainees in correctional institutions;
- Lack of orientation about the detainees' rights and responsibilities in detention;
- Difficulties in accessing certain medical services;
- Lack of access to outdoor areas in some visited facilities;
- Difficulties in maintaining contact with families.

Based on our findings and observations, the CRCS is proposing in this report a number of recommendations, mainly:

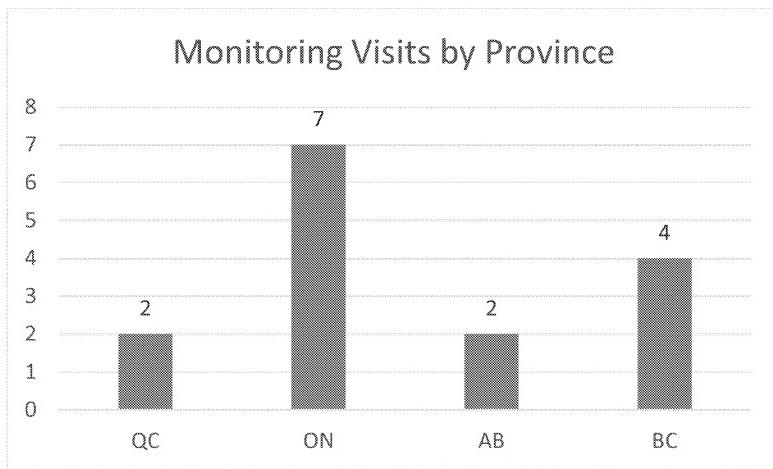
- Where detention is necessary, to hold immigration detainees in facilities other than correctional prisons and where this is not possible, to separate immigration detainees from the rest of the prison population;
- To ensure that immigration detainees are fully aware of their rights and responsibilities, regardless of their place of detention;
- To ensure that immigration detainees have access to adequate mental health services wherever they are detained;
- To provide immigration detainees with daily access to outdoor areas as well as recreational activities;
- And finally, to allow regular and adequate contact between detainees and their families.



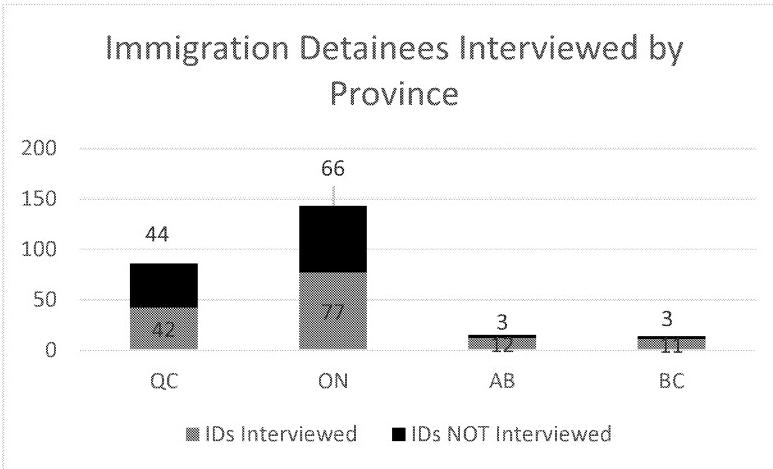
Introduction

During site visits to places where people are administratively held under the Immigration and Refugee Protection Act, the CRCS team monitors and assesses the conditions of detention and treatment of immigration detainees held in holding centers and detention facilities under the control and management of federal, provincial, territorial or municipal authorities. In accordance with the Agreement between CRCS and CBSA, this report reflects the CRCS' Immigration Detention Monitoring Program activities carried out between September 2017 and March 2018.

A total of fifteen (15) **site visits** were conducted in addition to responses to two (2) **notifications**. The majority of the visits took place in Ontario, followed by British Columbia, Alberta and Quebec. No visits were planned in Manitoba during the reporting period.



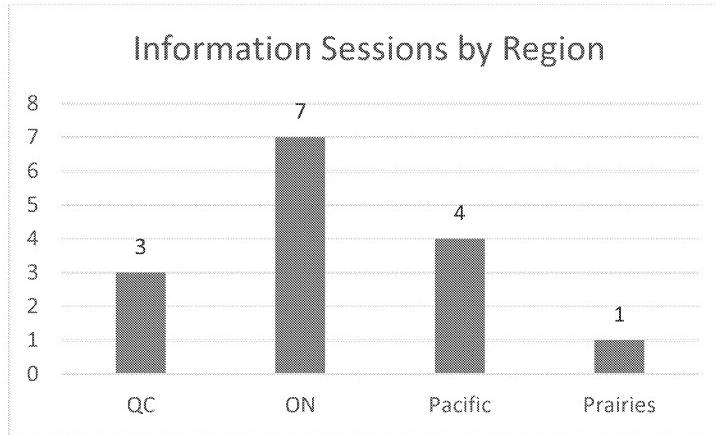
On each site visit, the team **interviewed immigration detainees** in private and without the presence of any of the facility staff. In total, one hundred and forty-two (142) detainees agreed to speak with CRCS team members whereas one hundred and sixteen (116) immigration detainees were not interviewed, either because they did not want to speak to the Red Cross or they happened to be out of the facility at the time of the visit.



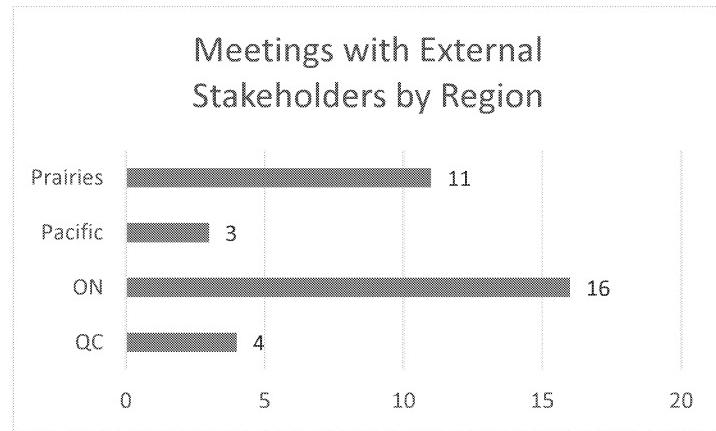
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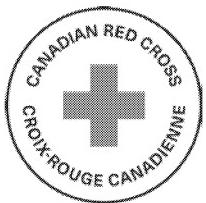
At the early stage of the program, and prior to receiving security clearances, the CRCS organized **information sessions** for staff and facility personnel who are in direct contact with immigration detainees. Consequently, a total of fifteen (15) sessions took place, with the majority in Ontario followed by the Pacific region (BC, AB), Quebec and the Prairies.



In parallel to site visits and information sessions, the team conducted a total of thirty-four (34) meetings with external stakeholders, including CBSA representatives in the regions, Provincial Correctional Services, follow-up meetings with the Immigration Holding Centers and the Correctional Facilities as well as Legal Aid and local NGOs supporting immigration detainees.



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Findings

CRCS IDMP carried out a total of fifteen (15) visits to detention facilities on a national level during the reporting period. Following these visits and the meetings that were carried out, the monitoring team would like to acknowledge CBSA representatives and all staff in the visited facilities for facilitating access to all individuals detained therein.

Based on the observations made during this reporting period, CRCS highlights the following findings and recommendations:

- When housed in correctional facilities and remand centers, immigration detainees are receiving the same treatment and follow the same rules as remanded and sentenced individuals despite their detention being administrative in nature. Policies which were designed to manage behavior of persons in the criminal justice system are being applied to persons in immigration detention, such as placement in administrative and disciplinary segregation, the use of restraints, and lockdowns.

While CRCS understands there may be barriers to ensuring separate facilities for immigration detainees, we are concerned to see immigration detainees mixed or co-mingled with persons awaiting trial, convicted persons awaiting sentencing, sentenced persons (provincial and federal) awaiting transfer, persons detained for violating parole conditions, or for defaulting on fines. This was the case in most of the facilities visited during the reporting period except for the Immigration Holding Centers in Laval, Toronto and Vancouver.

Under international law, treating immigration detainees in the same manner as those detained under the Criminal Code is deemed a disproportionate practice. Where detention is necessary, the international law stipulates that it should be proportionate, reviewed regularly and its duration should be defined¹. With that in mind, CRCS recommends the CBSA leverage the initiative taken by Fraser Regional Correctional Centre, which has a dedicated unit for persons detained under IRPA to minimize co-mingling, and to ensure that immigration detainees are separated from sentenced and remanded individuals at all times while in provincial correctional facilities. The system in place in Quebec region is also worth considering as it lessens the incidence of co-mingling.

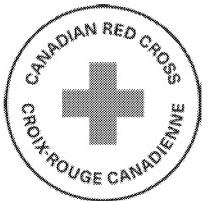
- Immigration detainees who were interviewed had varying levels of knowledge around their rights and their responsibilities while at the Immigration Holding Centres or provincial correctional facilities. This resulted in limiting the detainees' access to certain services, programs and support, including legal support and recreational programs.

For instance, some immigration detainees in Alberta informed the CRCS that they were not consistently represented by legal counsel during detention reviews and immigration hearings, due to, among other reasons, the difficulties in reaching the Legal Services Centre by phone from within provincial facilities, and because of some cases being ineligible for Legal Aid assistance. This contributed to detainees not seeking legal counsel and, as a result, lack of understanding about their legal status and rights.

In both Ontario and British Columbia, the CRCS met with detainees who were not aware of available programs and services within the provincial correctional facility where they are detained. In addition, detainees from all four regions covered during the reporting period indicated that they had not received written orientation information from CBSA or they had received it only in English, whereas the IRPA forms package detailing the reasons for detention is available in sixteen (16) languages.

CRCS recommends that CBSA provides printed information on detainees' rights in multiple languages to all facilities where immigration detainees may be placed. The CBSA's "Information for people detained under the Immigration and Refugee Protection Act" and the CBSA's booklet "Orientation to Immigration Detention in the Pacific Region" could be used as examples.

¹ In the *International Convention on Civil and Political Rights*, to which Canada acceded on May 19, 1976, Article 10 requires States to ensure that "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person" (The United Nations General Assembly, "International Covenant on Civil and Political Rights," Treaty Series 999 (1966): 171 at art 10). See also the *Working Group on Arbitrary Detention, Report to the Thirteenth Session of the Human Rights Council, A/HRC/13/30, January 2010*
UNHCR's Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers, 26 Feb. 1999
Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, Inter-American Commission on Human Rights, Principle III



CRCS also recommends providing additional verbal and written orientation information to immigration detainees upon admission in a language and format they understand, outlining how to access medical care and legal representation, use of phones, family visits, programs and services available, facility rules and disciplinary processes.

CBSA previously facilitated some detainees' access to Legal Aid, and **it is recommended** that the agency intensifies these procedures and establishes them as a regular practice through connecting detainees to the relevant department at Legal Aid and supporting their access to effective legal support for their immigration cases and detention reviews.

3. Immigration detainees housed within provincial correctional facilities frequently reported difficulties in accessing medical and mental health services. In the facilities visited in Ontario, and according to the authorities in place, perceived delays in receiving care are due to the high volume of the general criminally detained population requiring medical assistance. In Alberta, correctional and health staff at the visited facilities indicated that they do not generally have a specialized training on immigrant or refugee needs, as immigration detainees represent a very small fraction of the overall population. In addition and in Quebec, some of the interviewed immigration detainees suffered from a number of mental health problems, not only related to their detention, but also to their background after being through perilous journeys before arriving in Canada. It was observed that not enough mental health support was provided, with a psychologist/psychiatrist visits being only once per week.

On provision of health care in detention, international law² says that the State is responsible for providing health care for its detainees, without discrimination of their legal status. The law also stipulates that the standards of health care in detention should be of the same level as those available in the community. In addition, the CRCS notes that immigration detainees have a right to health care coverage under the Interim Federal Health Program and that coverage includes mental health care³. Based on this, the **CRCS recommends** that the Canadian authorities ensure that immigration detainees have on-site access to medical services, including Mental Health support, regardless of their place of detention.

4. Limitation in access to outdoor areas, leisure, cultural and educational activities were observed. For example, the location of the Immigration detention at the BC Immigration Holding Centre in Vancouver, while short term, does not allow for outdoor access or natural light. Capacity to address any potentially negative impacts from this or heightened stress around detention is reduced due to the absence of medical staff and social workers on site. In Ontario, immigration detainees interviewed in correctional facilities noted they were limited in their access to recreational and educational programs as they lacked knowledge of how to access such activities or in some instances these programs were not extended to cover persons detained under IRPA.

Under International Law⁴ and given the non-criminal status of persons in immigration detention, detainees should not be required to remain in their room all day long but have the right to rest and leisure and to take part in educational programs. Such activities are highly encouraged in a detention context as they are important for personal development, physical and mental health, and social and cultural inclusion. Moreover, they can contribute to reducing the negative effects of incarceration by relieving stress and promoting positive interactions with others. **CRCS recommends** that CBSA ensures immigration detainees have access to recreational and educational programs regardless of their place of detention.

5. CRCS monitoring activities revealed gaps with the detainees' ability to maintain contact with the outside world from within the facility. This reality is aggravated in facilities where open visits with family and friends are not provided. The issue is mostly due to the phone systems in place preventing detainees from making long distance calls, calling mobile devices or making

² United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Health Care Services, UN-Doc A/Res/70/175 (17 December 2015)

³ See Interim Federal Health Program: Summary of Coverage: available on-line: Government of Canada website

⁴ United Nations, Standard Minimum Rules for the Treatment of Prisoners, UN-Doc A/RES/70/175 (13 May 1977), Rules 20, 40, 77 & 78 Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, Principle XVIII

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international calls. This common issue was observed in all regions where detention monitoring visits were conducted during the reporting period.

Contacts and visits from the outside world, in particular with family members, are important for detainees in dealing with the consequences of the deprivation of freedom and is a guaranteed right under both national and international legislations⁵. This right of contact is extended to involve family members and friends and may take the form of verbal and written communication and actual visits. For immigration detainees in particular, being held in a foreign country amplifies the distance between them and their family members living abroad and their need for regular and adequate contact with the outside world.

Given the historical challenges with the phone system in provincial correctional facilities, CRCS recommends that CBSA ensure immigration detainees have regular and adequate access to contact family and friends, regardless of their place of detention, including through long distance and international calls, as well as the ability to call mobile numbers. CRCS also recommends development of a standardized protocol to ensure all detainees are consistently provided opportunities to maintain contact with family and friends, especially for detainees whose relatives live abroad. Contact visits for immigration detainees and their families are recommended, particularly for those with children, long-term detainees, and prior to removal.

6. Correctional and medical officers in the visited facilities are generally not provided with sufficient training on the nature of immigration detention as well as the detained asylum seekers and refugees' needs, as immigration detainees represent a very small fraction of the overall population.

CRSC recommends staff working directly with immigration detainees be trained and to include individuals with professional backgrounds such as immigration and refugee lawyers, healthcare and social work. The CRCS believes that multidisciplinary teams are better positioned to identify symptoms of distress displayed by immigration detainees and have greater capacity to provide timely and appropriate support related to their needs and wellbeing. In addition, CRCS recommends raising awareness among CBSA and correctional facilities' personnel on the nature of immigration detention and its differentiation from criminal detention.

⁵ United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 58
Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, Principle XVIII

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Conclusion

The CRCS has been involved in monitoring of CBSA's immigration detention in Canada since 1999. As an independent and neutral third-party humanitarian organization, the CRCS acts according to its fundamental principles of Impartiality, Neutrality and Independence, providing unbiased reviews and recommendations to the Canadian authorities with the aim to safeguard rights and improve the conditions of detention for immigration detainees.

The CRCS detention monitoring is administered by the IDMP and is governed by the provisions of, and in accordance with, the Contract between the CRCS and the CBSA encompassing the period from June 28, 2017 to July 15, 2019 inclusive. This report presents the CRCS' IDMP activities, observations and recommendations carried out between September 2017 and March 2018.

Both the findings and the recommendations made in this report are aimed at improving the conditions of detention for immigration detainees in a number of areas, including but not limited to:

- The place and period of detention;
- Access to information pertaining to legal guarantees;
- Access to medical services and recreational activities;
- Personnel training; and
- Contact with the outside world.

CRCS stands ready to discuss the findings made in this report with CBSA and to advise where possible on how to continue improving the conditions of immigration detention in Canada. Additionally, CRC is ready to receive CBSA's official response on the recommendations made in this document.



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List of Abbreviations

ATD	Alternatives to Detention
CBSA	Canada Border Services Agency
CRCS	Canadian Red Cross Society
ICCPR	International Covenant on Civil and Political Rights
IDMP	Immigration Detention Monitoring Program
IHC	Immigration Holding Centre
IRPA	Immigration and Refugee Protection Act
MRAP	Management Response and Action Plan
NGO	Non-Governmental Organization
UNHCR	United Nations High Commissioner for Refugees

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Executive Summary

Within the Canadian Red Cross Society (CRCS), detention monitoring is administered by the Immigration Detention Monitoring Program (IDMP) in accordance with the Contract between the CRCS and the Canada Border Services Agency (CBSA) encompassing the period from June 28, 2017 to July 15, 2019 inclusive.

Pursuant to this agreement, the CRCS monitoring activities focus on the following areas of detention of people under the Immigration and Refugee Protection Act (IRPA):

- The treatment by facility staff, contractors and other detainees;
- The conditions of detention – the state of the detention environment (e.g. facility, lighting, food, recreation, well-being of detainees in that environment);
- The legal guarantees and procedural safeguards – ability to exercise their human rights, access to procedural safeguards (e.g. Canadian Charter of Human Rights, effective legal remedies, protection from arbitrary detention); and
- The ability to contact and maintain contact with family.

This report highlights the observations and recommendations of CRCS following a total of sixty (60) visits to twenty-three (23) detention facilities holding persons detained under IRPA between April 2018 and March 2019. Based on the observations made during this reporting period, findings, observations and recommendations are grouped into the following five themes:

- Treatment: impact of co-mingling;
- Conditions of detention: detention of vulnerable persons;
- Conditions of detention: access to healthcare, including mental health care services;
- Legal guarantees and procedural safeguards: access to information; and
- Family contact.

Based on findings and observations, the CRCS makes the following main recommendations within this report:

- The CBSA should continue to expand the use of alternatives to detention (ATDs);
- When detention under IRPA is deemed necessary, the CBSA should hold the individuals in facilities other than correctional facilities in line with the administrative nature of their detention; and, where this is not possible, separate people detained for immigration reasons from the rest of the prison population, while providing treatment and conditions appropriate to the administrative nature of their detention;
- The CBSA should avoid placing vulnerable persons in detention;
- The CBSA should ensure that persons detained under IRPA have access to adequate health care, including mental health care services, regardless of their place of detention;
- The CBSA should ensure that persons detained under IRPA have adequate access to information;
- And finally, the CBSA should allow regular and meaningful contact between detainees and their families and friends.

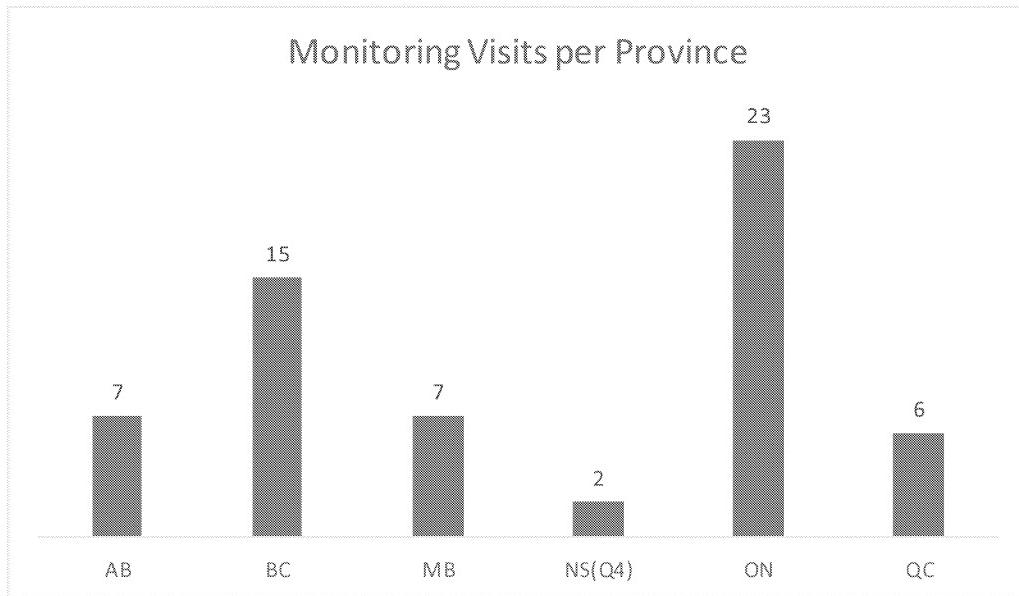


Introduction

The CRCS provides independent monitoring of detention under IRPA to promote a protective environment in which people detained for immigration reasons are treated humanely and where their human rights and inherent dignity are respected, in accordance with international and domestic standards. During visits to places of detention, the CRCS monitors and assesses the conditions of detention and treatment of people, held administratively under IRPA in government-run Immigration Holding Centres (IHCs), detention facilities under the management of provincial authorities, or other municipal correctional facilities. In accordance with the agreement between the CRCS and the CBSA, this report reflects the CRCS' Immigration Detention Monitoring Program activities carried out between April 2018 and March 2019.

A total of sixty (60) **site visits** were conducted during the monitoring period, including those in response to a notification. Findings and observations from the visits in Nova Scotia are based on monitoring activities conducted between January and March 2019, following provision of access for the CRCS to detention facilities in the province.

The CRCS acknowledges CBSA representatives and staff in the visited facilities for facilitating access to individuals detained therein.



During visits to places of detention, the CRCS took a system-wide approach focussing on four assessment categories: i. treatment, ii. conditions of detention, iii. legal guarantees and procedural safeguards, and iv. family contact.

Visits follow a standard procedure that includes the following steps:

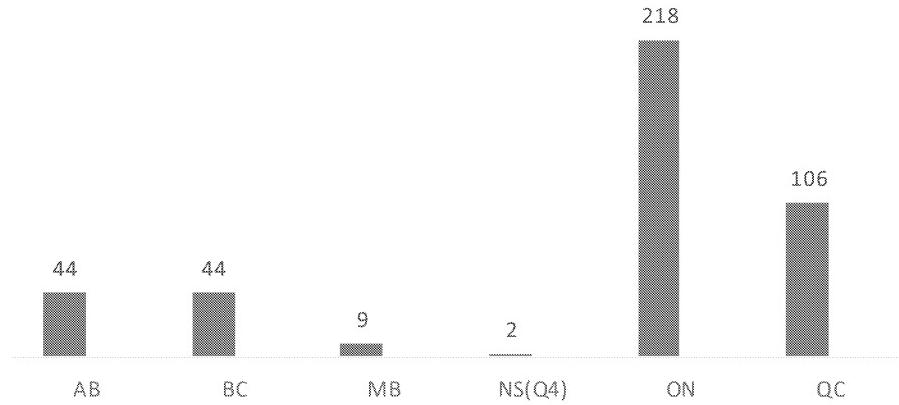
- An initial discussion with the facility management;
- A tour of any areas to which persons detained under IRPA have access, such as accommodations, medical and mental health services facilities, recreational and programs areas, and personal and professional visiting areas;
- Talks with detained individuals without the presence of facility staff; and
- A concluding discussion with the detaining authority (the CBSA).

In the course of the reporting period, the CRCS team met and spoke with 423 persons detained under IRPA, with the majority of interviews conducted in Ontario, followed by Quebec, British Columbia, Alberta, Manitoba and Nova Scotia.

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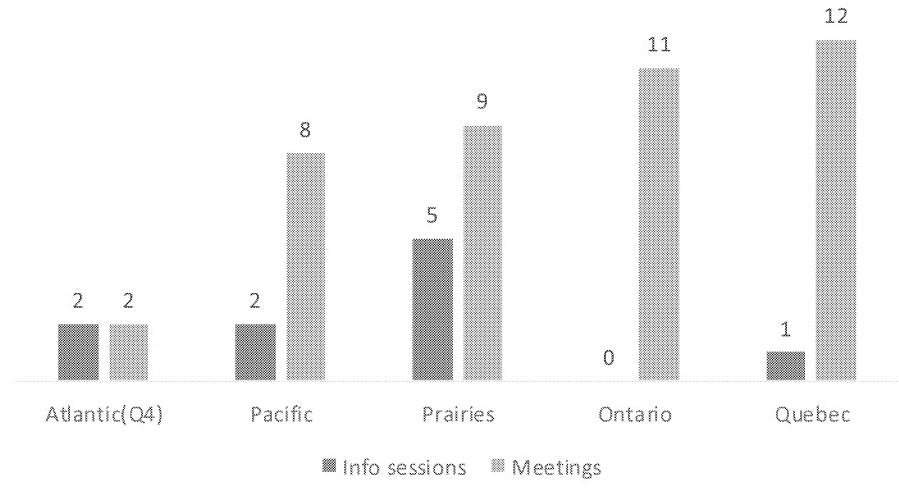


Talks with Detained Individuals per Province



In addition to the information sessions provided in the previous reporting period at the early stage of the program, during the reporting period in review the CRCS carried out 10 additional sessions for the detaining authority (the CBSA) staff and facility personnel in direct contact with persons detained under IRPA. Moreover, the CRCS held 42 meetings with external stakeholders, including regional CBSA representatives, personnel of provincial correctional services, UNHCR, provincial legal aid agencies and local NGOs supporting persons detained under IRPA.

Information Sessions/Meetings per Region





Main Findings

Following CRCS Immigration Detention Monitoring Program activities carried out between April 2018 and March 2019, the CRCS highlights the following findings and recommendations:

1. Treatment: impact of co-mingling.

Observations and Findings

In line with its administrative nature, detention for immigration reasons must not be punitive. Co-mingling people detained under IRPA with persons remanded or serving sentences under the Criminal Code is a harmful and disproportionate practice contradictory to the provisions of international legal instruments¹. Where detention is necessary, the international law stipulates that it should be proportionate, reviewed regularly and its duration should be limited in time². The use of correctional facilities for those held under IRPA, including but not limited to prisons, jails, and facilities designed or operated as prisons or jails, should be avoided. In cases where people detained under IRPA must be held in correctional facilities – situations that should be exceptional – these individuals should be separated from people held under the Criminal Code and be subject to treatment and conditions appropriate to the administrative nature of their detention.

The CRCS recognizes the CBSA's ongoing efforts to respond to the problem of co-mingling and to reduce the reliance on provincial correctional facilities for immigration detention, resulting in a decrease in number of people held for immigration reasons in this type of facility as compared with 2017-2018 monitoring period.

Nonetheless, co-mingling between people detained under IRPA and those detained under the Criminal Code still remains a practice across the country. When held in provincial correctional facilities and remand centres, people detained for immigration reasons are receiving the same treatment and follow the same rules as remanded and sentenced individuals despite their detention being administrative. In its visits during the 2018-2019 monitoring period, the CRCS observed people detained under IRPA in the provincial correctional facilities being subject to lockdowns, triple bunking, strip searches and placement in segregation - instances which could have otherwise been avoided if using IHCs. Also, their presence in criminal facilities exposed them to threats and violence, and led to frequent placement for security concerns in segregation units with highly restrictive conditions.

The CRCS notes that some provincial correctional facilities make efforts to minimise the impacts of co-mingling at the cell level by ensuring placement in a single cell or only with another person detained under IRPA. One provincial correctional facility has a dedicated immigration unit in order to separate people detained for immigration reasons from people held under the Criminal Code; however, CRCS consistently observed people detained under IRPA on other units throughout the facility.

Additionally, certain provincial correctional facilities in the Ontario, Prairies and Atlantic Regions were undergoing renovations and faced challenges with space allocation and staffing numbers. Reported consequences were more frequent lockdowns and situations of triple bunking in the facilities in the Prairies and Ontario, and more restrictive conditions in the Atlantic Region.

Recommendations

Referring to the CBSA Management Response and Action Plan to the Canadian Red Cross 2017-2018 Annual Report (MRAP), the CRCS recommends continued CBSA efforts to reduce numbers of people detained under IRPA, minimising the use of provincial correctional facilities and broader use of ATDs, to be consistently applied across the country.

¹ UN General Assembly, *International Covenant on Civil and Political Rights (ICCPR)*, Article 10(2)(a), 16 December 1966, United Nations, Treaty Series, available at: <https://www.refworld.org/docid/3ae6b3aa0.html> [accessed 3 July 2019]; UN General Assembly, *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, Rule 11: resolution / adopted by the General Assembly, 8 January 2016, A/RES/70/175, available at: <https://www.refworld.org/docid/5698a3a44.html> [accessed 3 July 2019]; UN High Commissioner for Refugees (UNHCR), *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, Guideline 8 (iii), available at: <https://www.refworld.org/docid/503489533b8.html> [accessed 3 July 2019].

² ICCPR, to which Canada acceded on May 19, 1976, Article 10 requires States to ensure that "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person" (The United Nations General Assembly, "International Covenant on Civil and Political Rights," Treaty Series 999 (1966): 171 at art 10). See also the *Working Group on Arbitrary Detention, Report to the Thirteenth Session of the Human Rights Council*, A/HRC/13/30, January 2010.

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With that in mind, the CRCS recommends using only the dedicated facilities operated by the CBSA to hold persons detained under IRPA. The use of provincial correctional facilities for immigration detention should be exceptional and the CBSA should explore capacity for their separation from those remanded and serving sentences under the Criminal Code to the greatest extent possible. Furthermore, the separation of these populations should not result in conditions for people detained under IRPA that are more restrictive than what is strictly necessary, nor should it impact their ability to access activities and services to which they are entitled.

2. Conditions of detention: detention of vulnerable persons.

Observations and Findings

The CRCS highlights that detention of vulnerable persons is a harmful practice contradictory to the provisions of international legal instruments¹. Immigration detention of certain vulnerable people² should be avoided since it can magnify serious negative effects on their physical and mental health. In the case of minors, these negative effects are often amplified, are combined with the fact that their developmental needs cannot be met in such a setting.

During the reporting period, the CRCS observed that vulnerable people continued to be detained, including:

- persons with mental health needs and those whom the IRB had determined were unable to appreciate the nature of the proceedings and assigned them a Designated Representative;
- individuals in long-term detention;
- persons with serious medical issues; and
- pregnant individuals.

Vulnerable people were observed in both provincial correctional facilities and immigration holding centers, which do not offer the appropriate conditions and care. In the Quebec Region, families or parent(s)/guardian(s) with accompanied minors were observed in the Centre de Surveillance de l'Immigration in Laval³.

The CRCS recognizes the CBSA's efforts to reduce the number of persons in long-term detention and the average length of detention, when compared to 2017-2018 monitoring period.

Recommendations

The CRCS recommends that the CBSA continuously evaluates the needs of vulnerable individuals detained and ensures that ATDs are prioritized and considered consistently in all provinces, including extending access to the Interim Federal Health Program (IFHP).

The CRCS notes that detention of minors is a harmful practice contradictory to the provisions of international legal instruments to which Canada is signatory⁴ and recommends that any decision regarding placement of a minor in

¹ UN High Commissioner for Refugees (UNHCR), *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, Guideline 4 and 9, available at: <https://www.refworld.org/docid/503489533b8.html> [accessed 3 July 2019]; UN General Assembly, *Report of the Special Rapporteur on the human rights of migrants*, François Crépeau, 2 April 2012, §43-46, A/HRC/20/24, available at <https://www.refworld.org/docid/502e0bb62.html> [accessed 3 July 2019]; UN General Assembly, *United Nations Rules for the Protection of Juveniles Deprived of Their Liberty* 2, 28-29; resolution / adopted by the General Assembly, 2 April 1991, A/RES/45/113, available at <https://www.refworld.org/docid/3b00f18628.html> [accessed 3 July 2019].

² While the CRCS considers all people detained under IRPA to have some level of vulnerability, our understanding of the term "vulnerable persons" in this context refers to individuals who have an impaired ability to understand the proceedings related to their detention and to articulate particular needs, including medical, while in detention. Vulnerable persons may include, but would not be limited to: minors, the elderly, persons with mental health issues, individuals whom the IRB has assigned a Designated Representative, individuals in long-term detention, persons with serious medical issues, pregnant or breast-feeding women, victims of torture, survivors of genocide and crimes against humanity, women who have suffered gender-related persecution, and individuals who have been victims of persecution based on sexual orientation and gender identity. See *Guideline on Vulnerable Persons*, *Guideline issued by the Chairperson pursuant to paragraph 159(1)(h) of the Immigration and Refugee Protection Act*.

³ Arriving families or parent/guardian with accompanied minors, being detained for immigration reasons, often face a dilemma: either to be separated from their children, who are placed in the care of a third party, or to request to have their children stayed with them (or being "housed" as per the terminology of the CBSA's Operational instructions and guidelines, Enforcement (ENF) 20: Detention, 5.11-5.12).

⁴ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, Articles 3, 9, 37(b), available at: <https://www.refworld.org/docid/3ae6b38f0.html> [accessed 3 July 2019]; UN General Assembly, *United Nations Rules for the Protection of Juveniles Deprived of Their Liberty* 2, 28-29; resolution / adopted by the General Assembly, 2 April 1991, A/RES/45/113, available at <https://www.refworld.org/docid/3b00f18628.html> [accessed 3 July 2019].



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detention is made in the best interests of the child¹, which CRCS believes is family unity outside of detention, including through the use of ATDs.

3. Conditions of detention: access to healthcare, including mental health care services .

Observations and Findings

On provision of health care in detention, international law states that the government is responsible for providing health care for its detainees, without discrimination, including by legal status². Detention can exacerbate existing mental and physical health issues and may cause additional damage to a person's overall mental and physical well-being³. For persons detained under IRPA, full access to the IFHP, including the supplemental coverage or equivalent services and care, is essential.

Persons detained under IRPA held in provincial correctional facilities reported difficulties in accessing medical and mental health care services. Problems mentioned included: delays in maintaining continuity of care for pre-existing medical conditions upon detention or transfer between facilities; access to urgent dental care; inconsistent access to ongoing mental health and care supports.

Recommendations

The CRCS notes that persons detained under IRPA should have access to health care coverage under the IFHP or equivalent services, including the supplemental coverage and mental health care⁴.

The CRCS recognizes that the CBSA has already announced measures in its MRAP to improve health care for people detained under IRPA. To further its efforts, the CRCS recommends that the CBSA gives additional weight to physical and mental health concerns when deciding on detention and eligibility for ATDs, given that detention may aggravate certain conditions, or at the very least complicate their treatment. CRCS also recommends prioritizing ATDs for people with acute medical needs, while maintaining the IFHP coverage. Regardless of the place of detention, people detained under IRPA should enjoy full and timely access to the services and care of the IFHP, including its supplemental coverage, or equivalent services.

4. Legal guarantees and procedural safeguards: access to information .

Observations and Findings

People detained under IRPA should have adequate and effective access to information related to their detention and to the place of their detention⁵. Upon admission, they should be provided with information both outlining the programs and services

¹ Canadian family and child protection laws cite the best interests, protection and well-being of children as a fundamental purpose of the law. See, for example, Ontario's Child, Youth, and Family Services Act, 2017, SO 2017, c 14 s 1(1); Nova Scotia's Children and Family Services Act, SNS 1990, c 5, s 1(1); and British Columbia's Family Law Act, SBC 2011, c 25, s. 37(1).

² UN General Assembly, *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, Rule 24-35: resolution / adopted by the General Assembly, 8 January 2016, A/RES/70/175, available at: <https://www.refworld.org/docid/5698a3a44.html> [accessed 3 July 2019]; UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, Article 24, available at: <https://www.refworld.org/docid/3ae6b38f0.html> [accessed 3 July 2019]; UN General Assembly, *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, Principle 24: resolution / adopted by the General Assembly, 9 December 1988, A/RES/43/173, available at: <https://www.refworld.org/docid/3b00f219c.html> [accessed 3 July 2019]; UN High Commissioner for Refugees (UNHCR), *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, Guideline 8 (vi), available at: <https://www.refworld.org/docid/50348953b8.html> [accessed 3 July 2019].

³ ICRC policy paper on immigration detention, available at https://www.icrc.org/en/download/file/72625/irc_99_19.pdf. Also, see Mary Bosworth, "The Impact of Immigration Detention on Mental Health: A Literature Review", Appendix 5 in Stephen Shaw, Review into the Welfare in Detention of Vulnerable Persons: A Report to the Home Office by Stephen Shaw, January 2016; Janet Cleveland, Cécile Rousseau and Rachel Kronick, The Harmful Effects of Detention and Family Separation on Asylum Seekers' Mental Health in the Context of Bill C-31, Brief Submitted to the House of Commons Standing Committee on Citizenship and Immigration concerning Bill C-31, the Protecting Canada's Immigration System Act, April 2012; Colin Neave, Suicide and Self-Harm in the Immigration Detention Network, Report by the Commonwealth and Immigration Ombudsman, May 2013.

⁴ See *Interim Federal Health Program: Summary of Coverage*, available at: <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/help-within-canada/health-care/interim-federal-health-program/coverage-summary.html>.

⁵ UN General Assembly, *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, Rules 54-55: resolution / adopted by the General Assembly, 8 January 2016, A/RES/70/175, available at: <https://www.refworld.org/docid/5698a3a44.html> [accessed 3 July 2019]; UN General Assembly, *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, Principle 10, 11(2): resolution / adopted by the General Assembly, 9 December 1988, A/RES/43/173, available at: <https://www.refworld.org/docid/3b00f219c.html> [accessed 3 July 2019];

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available to them and how to access these. This includes information on access to health services and legal representation; complaint mechanisms; policies on the use of phones and how to request mobile or overseas calls; policies, procedures and schedules for family visitation; as well as the rules and disciplinary processes within the housing facility. This information should be, when needed, conveyed by a qualified and impartial interpreter. Professional interpretation services should be readily available at key moments during the immigration detention process¹.

CRCS observed gaps in the information provided to people detained under IRPA in provincial correctional facilities, including:

- absence of information on the programs and the services available in an appropriate language and format;
- lack of access to official documents;
- posted contact information that was not updated regularly;
- an inconsistent use of professional interpreters – relying instead on translation applications, staff or other detainees for interpretation which can adversely impact quality of translation and privacy;
- in some instances, lack of information on the existence of possible free legal aid for immigration purposes.

Recommendations

In reference to the MRAP, the CRCS acknowledges the CBSA's efforts to respond to the problem of effective access to information. Considering that various factors impact the capacity of a detained person to absorb information, the CRCS further recommends complementing the current system with additional means of sharing information, in various languages and formats such as oral, written or recorded audiovisual presentations shown, for example, in videoconference rooms. These should be consistently accessible regularly or presented at regular schedules, giving special attention that people have understood what is being communicated to them.

The CRCS also recommends the Detention Liaison Officer role or similar be established in regions where it is missing. The CRCS also recommends the role of existing Detention Liaison Officers in all other regions be expanded to cover meetings with all persons detained under IRPA – regardless of whether they had previous interaction with other CBSA officers – recognizing the critical support this role can provide to persons detained under IRPA.

The CRCS additionally recommends the CBSA resources and provides access to professional interpretation services as often as possible when communicating with people detained under the who speak a different language, in particular when dealing with complex or confidential matters such as medical issues or details of personal case.

5. Family contact.

Observations and Findings

Contacts and visits from the outside world, particularly with family members, are important for detained people in dealing with the consequences of the deprivation of freedom and is a guaranteed right under both national and international legislations². This right of contact extends to family members and friends and includes verbal and written communication and in-person visits. Such contact is essential to reducing the stress of family separation and the impact of detention. The detaining authority should ensure that people detained under IRPA have the means to do so regardless of where they are being held.

¹ UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Anti-Trafficking Protocol) (2000), Article 6(2)(a), available at: <https://www.osce.org/odihr/19223?download=true>.

² UN General Assembly, *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, Rule 41(3), 55(1), 61(2), 80(2); resolution / adopted by the General Assembly, 8 January 2016, A/RES/70/175, available at: <https://www.refworld.org/docid/5698a3a44.html> [accessed 3 July 2019]; Inter-American Commission on Human Rights (IACHR), Resolution 1/08, *Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas*, 13 March 2008, *Principles V and IX*, No. 1/08, available at: <https://www.refworld.org/docid/48732afa2.html> [accessed 3 July 2019]; UN General Assembly, *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, Principle 14; resolution / adopted by the General Assembly, 9 December 1988, A/RES/43/173, available at: <https://www.refworld.org/docid/3b00f219c.html> [accessed 3 July 2019].

² UN High Commissioner for Refugees (UNHCR), *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, Guideline 8 (vii), available at: <https://www.refworld.org/docid/503489533b8.html> [accessed 3 July 2019]; UN General Assembly, *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, Rules 58-63; resolution / adopted by the General Assembly, 8 January 2016, A/RES/70/175, available at: <https://www.refworld.org/docid/5698a3a44.html> [accessed 3 July 2019]; UN General Assembly, *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, Principles 19-20; resolution / adopted by the General Assembly, 9 December 1988, A/RES/43/173, available at: <https://www.refworld.org/docid/3b00f219c.html> [accessed 3 July 2019]; Inter-American Commission on Human Rights (IACHR), Resolution 1/08, *Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas*, 13 March 2008, *Principle XVIII*, No. 1/08, available at: <https://www.refworld.org/docid/48732afa2.html> [accessed 3 July 2019].

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CRCS monitoring activities revealed that detained individuals did not always have the ability to maintain contact with those outside the detention facility. During the period under review, the CRCS observed that people detained under IRPA in provincial correctional facilities faced difficulties in obtaining access to free phone calls and faced systemic barriers in calling mobile phones and receiving in-person visits. Examples of difficulties and limitations to maintaining contact included:

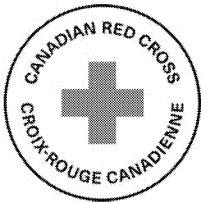
- The phone system in most provincial correctional facilities limits local calls to 20 minutes, complicating calls to institutions where they are put on hold before being answered;
- A small number of free local or long-distance calls are available;
- International calls through correctional phone service providers are prohibitively expensive;
- Phone calls through the facility system are not permitted while a person is in the intake area;
- In most regions, the primary correctional facilities used for immigration detention in the region are inaccessible by public transit and individuals are not able to have contact visits with family.

Recommendations

Referring to measures outlined in the MRAP, the CRCS recognizes the CBSA's efforts in offering people detained under IRPA free calls and exploring solutions to the long-standing issue of phone calls. To further these efforts, the CRCS recommends the CBSA explore additional measures to allow people who are detained to maintain regular contact with their families overseas or in Canada, taking advantage of new technologies simplifying the contact process, and reducing the cost of international calls, such as instant messaging and voice over IP services.

Additionally, CRCS recommends developing procedures to allow regular contact visits with family and friends, regardless of the place of detention.

Finally, CRCS recommends that in all provinces, at the start of detention, individuals should be given access to their personal effects, by the CBSA or the facility, so they may note down important information such as contact numbers.



Conclusion

The CRCS is an independent, neutral and impartial humanitarian organization. Its mandate, defined in Canadian law and in the Statutes of the International Red Cross and Red Crescent Movement, is to prevent and alleviate human suffering. The CRCS methods in detention monitoring are based on best practises and processes of the International Committee of the Red Cross, who have been working to secure humane treatment and conditions of detention for people deprived of their liberty for over a century. As part of the Movement-wide response to humanitarian consequences caused by migration, the CRCS started detention monitoring activities in 1999 and acts according to its fundamental principles, providing unbiased observations and recommendations to the Canadian authorities with the aim to safeguard rights and improve the conditions of detention for people detained under IRPA.

The CRCS detention monitoring is administered by the IDMP in accordance with the Contract between the CRCS and the CBSA encompassing the period from June 28, 2017 to July 15, 2019 inclusive. This report represents the CRCS observations and recommendations on Immigration Detention following 60 visits to 23 facilities between April 2018 and March 2019.

Both the findings and the recommendations made in this report are aimed at improving the conditions of detention for people detained for immigration reasons in a number of areas, including but not limited to:

- Treatment: Impact of co-mingling;
- Conditions of detention: Detention of vulnerable persons;
- Conditions of detention: Access to healthcare, including mental health care services;
- Legal guarantees and procedural safeguards: Access to information; and
- Family contact.

Based on findings and observations from CRCS Immigration Detention Monitoring Program activities carried out between April 2018 and March 2019, the CRCS makes the following main recommendations:

- The CBSA should continue to expand the use of ATDs;
- When detention under IRPA is deemed necessary, the CBSA should hold the individuals in facilities other than correctional facilities in line with the administrative nature of their detention; and where this is not possible, separate people detained for immigration reasons from the rest of the prison population, while providing treatment and conditions appropriate to the administrative nature of their detention;
- The CBSA should avoid placing vulnerable persons in detention;
- The CBSA should ensure that persons detained under IRPA have access to adequate health care, including mental health services, regardless of their place of detention;
- The CBSA should ensure that persons detained under IRPA have adequate access to information;
- And finally, the CBSA should allow regular and meaningful contact between detainees and their families and friends.

CRCS stands ready to discuss the findings made in this report with CBSA and to provide objective feedback and advice on how to increase the protective environment within immigration detention in Canada.

Purchasing Office – Bureau des Achats

Canada Border Services Agency /
Agence des services frontaliers du Canada
410 Laurier Ave West
10th Floor/10^{ème} étage
Ottawa, Ontario
K1A 0L8

Title / Sujet

Monitoring Services of the Immigration Detention Facilities

Contract No. – No du contrat	Amendment No. – No de la modification
2018000430	1
Date	March 23, 2018

Contract Amendment – Modification au Contrat

The referenced document is hereby revised; unless otherwise indicated, all other terms and conditions of the contract remain the same.

Ce document est par la présente révisé sauf indication contraire, les modalités du contrat demeurent les mêmes.

The Vendor/Firm hereby accepts/acknowledges this contract.

Le fournisseur/entrepreneur accepte/accuse réception du présent contrat.

March 29/2018

Signature

Estelle Carriere

Date

Name, title of person authorized to sign (type or print)
Nom et titre du signataire autorisé (caractère d'impression)

F.O.B. – F.A.B.

Destination of Goods, Services, And Construction:
Destination des biens, services et construction :

As per Original Contract

Invoices to be sent to:

Factures – Envoyer à :

vendors-fournisseurs@cbsa-asfc.gc.ca

Address inquiries to: - Adresser toute demande de renseignements à :
Nancy Cleroux

Telephone No. — No de téléphone:
343-291-5727

Fax No. – No de télécopieur

Previous Total Cost (GST incl.) / Coût total antérieur (tax incl.)

\$ 1,139,619.00

Currency Type – Genre de devise

CAD

Amendment Value (GST incl.) / Valeur de la modification (tax incl.)

\$ nil

Revised Value (GST incl.) / Valeur révisée (tax incl.)

\$ 1,139,619.00

Vendor/Firm Name and Address

Raison sociale et adresse du fournisseur/de l'entrepreneur

Canadian Red Cross
170 Metcalfe Street,
Suite 300
Ottawa, ON
K2P 2P2

Signed for the President by / Signé pour le Président par

Estelle Carriere

Signature

23/03/2018

Date

Estelle Carriere, Manager

Canada Border Service Agency – Strategic Procurement and Material Management Division (SPMMD)

This amendment # 1 is raised to:

1. Amend the Period of the contract;
2. Administrative changes; 5.0 Authorities
3. Amend statement of work
4. Amend the Basis of Payment;

The Contract is therefore amended as follows:

1. At Article 4.1 – Period of the Contract

DELETE entirely:

REPLACE WITH:

The period of the Contract is from July 06, 2017 to July 15, 2019 inclusive

2. At Article 5.0 – Authorities

DELETE entirely:

REPLACE WITH:

5.1 Contracting Authority

The Contracting Authority for the Contract is:

Name: Cedric Pilon

Title: Director

Canada Border Services Agency

Comptrollership Branch

Directorate: Strategic Procurement and Material Management Division

Address: 355 North River Road Tower B, Vanier ON K1A 0L8

Telephone: 343-291-5717

E-mail address: Cedric.pilon@cbsa-asfc.gc.ca

The Contracting Authority is responsible for the management of the Contract and any changes to the Contract must be authorized in writing by the Contracting Authority. The Contractor must not perform work in excess of or outside the scope of the Contract based on verbal or written requests or instructions from anybody other than the Contracting Authority.

Please address inquiries to:

Name: Nancy Cleroux
Title: Team Leader
Canada Border Services Agency
Comptrollership Branch
Directorate: Strategic Procurement and Material Management Division
Address: 355 North River Road Tower B, Vanier ON K1A 0L8

Telephone: 613-290-8638
E-mail address: Nancy.cleroux@cbsa-asfc.gc.ca

5.2 Project Authority

The Project Authority for the Contract is:

Name: Carl Desmarais
Title: Director
Organization: Canada Border Services Agency
Programs Branch
Address: 100 Metcalfe Street, Ottawa ON K1A 0L8

Telephone: 613-948-7643
E-mail address: Carl.Desmarais@cbsa-asfc.gc.ca

In their absence, the Project Authority is:

Name: John Helsdon
Title: Manager
Organization: Canada Border Services Agency
Programs Branch
Address: 100 Metcalfe Street, Ottawa ON K1A 0L8

Telephone: 613-960-3579
Email address: John.Helsdon@cbsa-asfc.gc.ca

The Project Authority is the representative of the department or agency for whom the Work is being carried out under the Contract and is responsible for all matters concerning the technical content of the Work under the Contract. Technical matters may be discussed with the Project Authority; however, the Project Authority has no authority to authorize changes to the scope of the Work. Changes to the scope of the Work can only be made through a contract amendment issued by the Contracting Authority.

5.3 Contractor's Representative

The Contractor's representative is:

Name: !
Title: Director
Organization: Canadian Red Cross Society
Capacity Building and Operational Development
Address: 6 Place du Commerce, Verdun QC H3E 1P4

Contract #: 2018000430

Telephone:
Email address:

3. At Article 11.0 – Priority of Documents

DELETE entirely:

REPLACE WITH:

If there is a discrepancy between the wording of any documents that appear on the list, the wording of the document that first appears on the list has priority over the wording of any document that subsequently appears on the list.

- (a) the Articles of Agreement;
- (b) the supplemental general conditions 4008 (2008-12-12) Personal Information;
- (c) the general conditions 2035 (2016-04-04) Higher Complexity - Services;
- (d) Annex A, Statement of Work;
- (e) Annex B, Basis of Payment;
- (f) Annex C, Security Requirements Check List;
- (g) the Contractor's revised price proposal: Sent by email: Feb 05, 2018

4. At Annex A -- Statement of Work**DELETE entirely:****REPLACE WITH:****ANNEX "A"****STATEMENT OF WORK****1.0 TITLE**

Monitoring Services of the Immigration Detention Facilities

2.0 OBJECTIVE

The Canada Border Services Agency (CBSA) requires the services of the Canadian Red Cross (CRC) to conduct immigration detention monitoring services as a reputable and neutral third-party organization. Acquiring these services for the CBSA is critical to assisting and ensuring that the Agency meets its strategic policy objective to provide safe, dignified and fair detention conditions in keeping with its duty of care obligations, to safeguard detainee rights and legal recourses; and to make continuous improvements to the overall immigration detention program. Monitoring of the immigration detention program supports the Government of Canada's (GOC) commitment to respect the human rights, dignity and protection of all persons in detention while upholding the rule of law.

3.0 BACKGROUNDCanadian Red Cross

The CRC is a reputable and neutral organization which is part of the largest humanitarian network in the world, the International Red Cross and Red Crescent Movement. It is mandated to assist vulnerable persons in Canada and worldwide.

Since 1999 through arrangements with the federal government, the CRC has been independently monitoring the CBSA's immigration detention program to ensure that persons detained pursuant to the *Immigration and Refugee Protection Act (IRPA)*, are held and treated in concordance with applicable domestic standards and in compliance with international instruments to which Canada is signatory. During this time, CRC has conducted over 240 site visits to Immigration Holding Centres (IHCs) and provincial correctional and other detention facilities across Canada, and has provided important feedback and expert advice on policies and programs at the systems level to the CBSA through their annual reports, detainee visits, communication, and regular meetings at the working and senior executive levels, which have led to continuous improvements to the immigration detention program for the benefit and well-being of detainees. Providing regular independent and unbiased reviews of their monitoring activities has been critical in ensuring that reviews and recommendations are transparent, impartial, and where appropriate, confidential and in the best interest of immigration detainees.

Immigration Detention

Canada's *IRPA* stipulates who is inadmissible to Canada, including for reasons of security, human or international rights violations or organized criminality. Under the *IRPA*, the CBSA has authority to arrest,

detain and remove permanent residents and foreign nationals who are found to be inadmissible to Canada.

Under Section 55 of the *IRPA*, a CBSA officer has the authority to detain permanent residents or foreign nationals where there are reasonable grounds to believe the person is inadmissible to Canada and the person is:

- considered to be a danger to the public;
- unlikely to appear for examination, an admissibility hearing or removal from Canada;
- unable to satisfy the officer of his/her identity (applies only to foreign nationals); or
- designated as part of an irregular arrival by the Minister of Public Safety and Emergency Management.

As well, at a port of entry an officer may detain an individual where it is necessary to complete an immigration examination, or where an officer has reasonable grounds to suspect the person is inadmissible for security reasons, because of human or international rights violations, serious criminality, criminality or organized criminality.

The CBSA also has the statutory obligation to remove individuals as soon as possible. The CBSA is the sole federal accountable immigration detention authority, and as such, is responsible for the care and control of immigration detainees.

Detention can be used at the beginning of the enforcement process when the identity of a non-citizen has yet to be established or if the person is believed to be a danger to the public. It can also be used at the end of the enforcement process when removal is imminent and the person is unlikely to appear for removal.

The CBSA's policy and guidelines are clear; if detention is required for immigration purposes, it should be for the shortest time possible. Several factors must be considered when deciding to detain an individual, including the availability and potential use of alternatives to detention when appropriate; allowing a person to be released under specific terms and conditions, such as deposits and guarantees; and, reporting requirements. When making detention decisions, CBSA officers are guided by the *IRPA* and its regulations, as well as CBSA detention guidelines. Each decision rests on a set of individual circumstances that must be assessed on their own merit. Officers must always consider the impact releasing someone into the community would have on the safety of Canadians.

All individuals subject to detention are entitled to a detention review(s), according to timelines specified within the *IRPA* and its regulations. These detention reviews are conducted and decisions are made by the Immigration and Refugee Board (IRB), an independent quasi-judicial body that makes determinations on immigration-related matters. IRB detention reviews are generally conducted 48 hours after a person is detained and subsequent reviews are carried out within the following seven days and every 30 days thereafter.

In addition to detention reviews, most detainees will be subject to immigration hearing procedures that are undertaken to rectify their immigration status within Canada. These hearings are also undertaken by the IRB. The CBSA, which is party to inadmissibility hearings, may be requested to appear on behalf of the Minister to support the facts alleged in Section 44 inadmissibility reports as outlined in the *IRPA*.

4.0 SCOPE OF WORK

The Contractor must provide immigration detention monitoring services to ensure that individuals detained pursuant to the *IRPA* in any Canadian facility, CBSA-operated or otherwise, are held and treated in compliance with applicable detention standards and international instruments to which Canada is signatory.

The four key areas of focus of the monitoring services are:

- The conditions of detention – the state of the detention environment (e.g. facility, lighting, food, recreation, well-being of detainee in that environment);
- The treatment of detainees by facility staff, contractors and other detainees;
- The legal guarantees and safeguards – ability of detainees to exercise their human rights, access to procedural safeguards (e.g. Canadian Charter of Human Rights, effective legal remedies, protection from arbitrary detention); and
- The detainee's ability to contact and maintain contact with family

In keeping with the main focus of the monitoring services, the scope of work includes:

- Conducting at least 71 visits up to a maximum of 86 visits over the course of a year to the Canadian facilities (CBSA-operated immigration holding centres (IHCs), provincial correctional facilities and other municipal or territorial detention facilities) across Canada to ensure that persons detained pursuant to Section 55 of the IRPA (<http://laws.justice.gc.ca/eng/acts/I-2.5/page-11.html##h-30>) are held and treated in accordance with applicable domestic laws and international standards;
- Conducting responses to CBSA notification requests to visit unaccompanied minors and/or detained individuals who are unable to appreciate immigration proceedings which are held in detention beyond 48 hours;
- Conducting special/ad hoc visits in the event of an emerging issue or incident which may include mental or medical health issues, hunger strikes and a death in custody, or in the event of an irregular arrival where a designation of a foreign national has been made by the Minister of Public Safety and Emergency Management;
- Identifying gaps, problems or failures in the detention system that impact the conditions of detention and the treatment of individuals;
- Providing evidence-based advice and reports to CBSA management, focused on systems and which include: facility reports; regional quarterly reports; national annual report; ad-hoc reports in the event of an emerging issue; and monitoring activity reports; and,
- Making evidence-based recommendations to the CBSA or other detaining authorities that would lead to improvements in the overall detention environment for immigration detainees.

5.0 TASKS

The Contractor must:

1. Attend an introductory meeting with the CBSA to discuss the overall objectives to ensure that immigration detainees are held and treated in a safe detention environment and in accordance with applicable detention standards;
2. Develop orientation materials and deliver orientation sessions to regional and provincial detention authorities to explain the CRC's role in relation to the monitoring services.
3. Establish a team of resources to carry out the monitoring services.
4. For each of the monitoring periods identified below, develop a work plan that includes at a minimum the information listed under i to iv.

From July 6 to about December 2017	Ramp up of operations – hiring of staff, security verifications, training, etc.
Monitoring Period 1	Minimum Number of visits

December 2017/January 2018 to March 31, 2018	15
Monitoring Period 2	Minimum Number of visits
Apr 1 to June 30, 2018	18
July 1 to Sept 30, 2018	18
Oct 1 to Dec 31, 2018	18
Jan 1 to Mar 31, 2019	17
Monitoring Period 3	Minimum Number of visits
Apr 1 to June 30, 2019	18

Each work plan must include at a minimum, sections on monitoring visits, monitoring activities, meetings and primary points of contact as outlined below.

i. **Monitoring Visits:**

- The schedule of the minimum number of visits to be conducted in each quarter by province and type of facility (CBSA IHCs, provincial correctional, municipal and other detention facilities).

In Table 1 is a list of core facilities and centres where the majority of immigration detainees are being held.

Table 1

Province	Major Facilities	Medium Facilities	Immigration Holding Centres
Québec	Rivière-des-Prairies	Prison Bordeaux	Centre de Surveillance
Ontario	Ottawa-Carleton Central East –Lindsay Maplehurst - Milton Vanier Institute – Milton	Toronto East Scarborough Niagara – Thorold South West - Windsor	Toronto Immigration Holding Centre
Manitoba	Winnipeg Remand Centre	Headingley	-
Alberta	Calgary Remand Centre Edmonton Remand Centre	-	-
British Columbia	Fraser Correctional North Fraser Pretrial Centre	Alouette Centre for Women – Maple Ridge RCMP Surrey Surrey Pretrial Services Centre Vancouver City Jail	British Columbia Immigration Holding Centre

CRC must visit all core detention facilities including all Immigration Holding Centres (IHCs) and major facilities three times per year, all medium facilities 2 times per year. The CRC may visit other facilities not included in Table 1 where serious concerns have been identified. The outline and frequency of visits by province is in Table 2.

Table 2:

Provinces	# of IHCs	# of Visits	# of Major Facilities	# of Visits	# of Medium Facilities	# of Visits	Total
AB	0	0	2	6	0	0	6

BC	1	3	2	6	4	8	17
MB	0	0	1	3	1	2	5
ON	1	3	4	12	3	6	21
QC	1	3	1	3	1	2	8
Total	3	9	10	30	9	18	57
Notification Requests	Notification responses at 20% of monitoring visits						11
Special/Ad hoc Visits	Special visits at 5% of monitoring visits						3
Total							71

Note: For the GTA

- a major facility is one that holds 300 or more male detainees per year and 100 or more female detainees per year
- a medium facility is one that holds between 10-100 detainees per year
- a small facility is one that holds up to 75 detainees per year

Up to an additional 15 visits could come from visits to CBSA facilities, facilities with which the CBSA already has an MOU, from facilities where the CBSA negotiates a new MOU, or from visits to facilities where there is an irregular arrival and where a designation of a foreign national has been made by the Minister of Public Safety and Emergency Management, provided that the total number of visits per 12 month reporting period does not exceed 86.

Table 3 lists potential facilities and frequency of visits by province to which the CBSA may gain access through new MOUs.

Table 3

Provinces	# of IHCs	# of Visits	# of Major Facilities	# of Visits	# of Medium Facilities	# of Visits	# of Small Facilities	# of Visits	Total
SK	0	0	0	0	2	4	0	0	4
NS	0	0	0	0	0	0	1	2	2
NB	0	0	0	0	0	0	1	2	2
PEI	0	0	0	0	0	0	1	2	2
NL	0	0	0	0	0	0	1	2	2
Total	0	0	0	0	2	4	4	8	12
Notification Requests	Notification responses at 20% of 12 monitoring visits								
Special/ Ad hoc Visits	Special visits at 5% of 12 monitoring visits								
Total									

ii. Monitoring Activity:

- Outline how the work will be carried out as per the schedule to ensure the minimum number of visits and additional visits will be conducted.
- Outline the methodology and criteria by which the conditions of detention and treatment of detainees will be assessed to ensure compliance with applicable domestic and international instruments to which Canada is signatory

iii. Meetings:

- Identify the number and level of meetings to be held with the CBSA, other detention authorities and their staff throughout the monitoring period

iv. Primary Points of Contact:

- Identify the points of contact for CBSA notifications and external communication requests

Note: The CBSA will provide their regional and head quarter points of contact.

4. Carry out, as per the schedule in the work plan, a minimum of 71 up to a maximum of 86 monitoring visits of immigration detainees being held in IHCs and other detention facilities across Canada to:

- i. observe, gather and assess whether they are being held and treated in compliance with applicable detention standards and practices;
- ii. identify gaps in the immigration detention system;
- iii. develop recommendations to improve detention conditions; and,
- iv. communicate with detention facility authorities the findings and recommendations, as well as any follow-up required.

5. Develop monitoring reports summarizing findings and recommendations to improve the detention environment for the benefit of present and future immigration detainees and submit them to the detention facility authorities. Schedule and carry out meetings with detention facility authorities, either CBSA, provincial correctional, municipal or other authority at regional and/or national levels to ensure that issues are addressed promptly.

Report	Frequency	Description	Language	Due date
Facility	After each visit (including visits in response to Notification Requests)	Identifies operational issues that need to be addressed within the facilities (e.g. required upgrades to detention facilities, increased selection of food to meet religious or dietary restrictions) and follow-up as required to ensure issues are resolved.	English and/or French depending on the regional preference	Verbal feedback to be provided to the facility authority immediately or no later than 2 business days after the visit followed by a written report in PDF Format sent via email within 2 weeks of the assessment to the facility authority with a copy to the CBSA Project Authority at National Headquarters.

Regional quarterly	<p>After every three month period.</p> <p>For the first monitoring period, the quarterly report will include reporting on monitoring visits conducted from Dec 2017 /Jan 2018 to March 31, 2018.</p>	<p>Generally summarizes monitoring activities (i.e. visits, interviews with detainees, detention facility authorities and staff), findings and recommendations, and follow-up on outstanding issues and recommendations.</p>	English and/or French depending on the regional preference	<p>A written report using PDF Format sent via email to the regional CBSA or provincial representative and Project Authority within 2 weeks of the end of the three month period.</p> <p>For the 1st monitoring period, this report will be due mid-April 2018.</p>
National annual report - presentation	<p>At the end of the 12 month monitoring period.</p> <p>The first annual report will only cover the monitoring services from Dec 2017 / Jan 2018 to Mar 31/18.</p>	<p>Summarizes and receive feedback from the CBSA on the monitoring activities (i.e. visits, interviews with detainees, detention facility authorities and/or staff), findings and recommendations for the year based on compliance with national and international standards against which the facilities are being measured and supported by evidence-based information.</p> <p>CBSA will provide a written management action plan in response to the CRC recommendations, which will to be integrated in the final report.</p>	English and French	To the CBSA Project Authority no later than 30 business days after the end of the monitoring period to discuss the CRC findings and recommendations
National annual report – final report	<p>At the end of the 12 month monitoring period.</p> <p>The first annual report will only cover</p>	<p>The final national annual report incorporates the CBSA's management action plan to address the findings and recommendations.</p>	English and French	To the CBSA Project Authority using PDF Format sent via email within 60 business days of the presentation of the annual report

	the monitoring services from Dec 2017 / Jan 2018 to Mar 31/18.	This report will be publicly posted by the CBSA on the Government of Canada website.		
Special/ad-hoc	After each visit	<p>Focusing on the four key areas of the monitoring services:</p> <ul style="list-style-type: none"> - in the event of an emerging issue/incident (e.g. protest, death in custody), the actions taken to resolve the issue, the findings based on the initial visit and interviews with staff, the recommendations and any follow-up post the initial visit; - in the event of an irregular arrival designated by the Minister of Public Safety and Emergency Management 	English and/or French, depending on the regional preference	<p>Verbal feedback to be provided immediately to the facility authority or no later than 2 business days after the visit followed by a written report in PDF Format sent via email within 2 weeks of the visit to the facility authority with a copy of to the CBSA Project Authority at National Headquarters</p>

6. Submit the following monitoring activity reports:

Report	Frequency	Description	Language	Due date
Quarterly monitoring activity report	<p>After every three month period.</p> <p>For the first monitoring period, the report will include from Dec 2017 / Jan 2018 to Mar 31, 2018.</p>	<p>i. number of visits and interviews conducted with detainees (including number of responses to CBSA notification requests for unaccompanied minors or persons who cannot appreciate or understand immigration proceedings and/or emerging issues/incidents); and</p> <p>ii. meetings conducted with detention facility authorities and staff, as well as CBSA officials</p>	English	<p>A written report using PDF Format sent via email to the Project Authority within 2 weeks of the end of the three month period.</p> <p>For the 1st monitoring period, this report will be due mid-April 2018.</p>

		at IHCs, regional offices and NHQ.		
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7. Follow-up on issues with the CBSA regarding findings and recommendations made at the facility, regional and national level to measure change over time. In the event that an issue remains unresolved, notify the Project Authority for response.

8. Inform the CBSA of the methodology for conducting the monitoring services as well as the criteria against which they will be assessed to ensure that consistent quality of monitoring services is being provided across Canada, and share the result of quality assessments with the CBSA.

6.0 GOVERNMENT FACILITATION OF ACCESS AND INFORMATION

The CBSA will provide the Contractor unfettered access to all persons being held in detention facilities under the control and management of the CBSA. As required, the CBSA will escort the Contractor and its resources into IHC facilities and areas where they will meet with immigration detainees to conduct their confidential meetings.

In cases where the Contractor is denied access to non-CBSA facilities, the CBSA Region or Headquarters will endeavour, to the fullest extent possible and subject to any lawful limitations, to facilitate access to immigration detainees being held in detention facilities under the control and management of other federal, provincial, territorial or municipal authorities.

Following the initial detention review by the IRB and after 48 hours, in accordance with the legislative and /or procedural protocols established by the CBSA, the CBSA will notify the CRC's established point(s) of contact of unaccompanied minors under the age of 18 being detained and/or persons who are unable to appreciate the nature of proceedings before the IRB. The CRC must provide 24 hour support service for CBSA notification requests to ensure these requests are addressed immediately.

At first contact with an unaccompanied minor, the CBSA officer will notify the CRCS in writing as soon as possible by sending an email message to: IDMP@REDCROSS.CA. On the Subject Line, indicate "Unaccompanied Minors" and the facility or location where the minor is being held.

The CBSA will provide limited information regarding a detainee's case history (i.e. country of origin, gender, ethnicity, language of origin) that is required by the contractor to effectively conduct monitoring visits with detainees and which is relevant to assess detention operations. These data elements do not identify any individual(s) and are not considered personal information.

The CBSA will also notify the CRC when an emerging issue or incident occurs (e.g. hunger strike, allegation of abuse, death incident) so that the CRC may conduct a monitoring visit to ensure the well-being of other detainees as well as and the detention environment.

7.0 INFORMATION AND EXTERNAL COMMUNICATION

7.1 Management of Personal Information:

Subject to any lawful limitations and in accordance with privacy and personal information legislation, the Contractor must respect:

- the confidentiality of the information provided by the CBSA on individuals being detained pursuant to *IRPA*;

- the confidentiality of information collected from the individual upon their consent during confidential interviews;
- the limitations on the release of this information to any person or third party except if such release is specifically authorized by law.

The CRC disclosures would be of a non-personal nature, reporting on the detention system, rather than on individuals. If consent is provided, the CRC may disclose some personal information about the immigration detainee to address a particular situation. If there are circumstances where the individual may harm themselves or others, it is expected that the CRC would inform the CBSA and detention facility authority so they may take appropriate measures to mitigate risks.

7.2 External Communication:

The CRC must respond to all requests for information related to its role and responsibilities. All other inquiries related to the CBSA's role and responsibilities will be redirected to the CBSA.

Planned announcements:

- where there are planned announcements that reference both parties, such as News Releases, CBSA communications will engage the CRC communications in advance, and vice-versa, to discuss the content of, and finalize the announcement.

Media Inquiries:

- both parties will respond to their respective media inquiries. In the cases where the CBSA references the CRC, the CBSA will notify CRC and vice-versa
- neither party will respond on behalf of the other but rather defer the inquiry to the respective party
- regarding public disclosure of incidents, CRC will not confirm or deny, nor speak to details of, any incidents involving detention facilities or detainees and will refer all inquiries to CBSA
- CRC will limit comments to explaining its role in detention monitoring and protocols followed in the event of an incident in a facility covered under Section 5.0 Tasks.

Access to Information and Privacy (ATIP) Requests:

- Both parties will respect the ATIP process and respond to these requests in alignment with the legislation and protocol that govern the process
- If a CRC annual report was previously released via an ATIP request, the CBSA will release the approved version, following ATIP protocol, in response to any subsequent request including those from the media.

Monitoring Reports

- Reports must respect the restrictions on the release of any personal information as per provisions of the Federal Privacy Act.
- The National Annual Reports, authored by CRC, will be made public on the CBSA/Government of Canada website. CRC will not post the reports on CRC website or otherwise distribute or make public the annual report.
- CBSA is solely responsible for commenting publicly on their response to CRC findings and recommendations contained in the reports along with CBSA action plans and responses to CRC findings and recommendations.
- CRC may comment publicly on the methodology of reporting and the standards monitored. CRC will not comment on the specifics conditions of individual detention facilities or incidents referenced within the reports.

Use of Logos

- CBSA and CRC must not, in any manner, use each other's name, logo, emblem or official seal or any other element of their visual identity, or any abbreviation thereof, in their visual communications (i.e. print or digital) without their expressed written consent.

Litigation Management

- Both parties will respect the litigation process and respond to information requests in line with the legislation and protocol that govern the process

8.0 DELIVERABLES and ASSOCIATED SCHEDULE

1. Introductory meeting with the CBSA—within one week of the contract award.
2. For each monitoring period, a work plan to be submitted to the CBSA Project Authority in English via email and finalized within 10 business days of reviewing with the CBSA.

Monitoring Period	Draft Work Plan Due
Dec 2017 / Jan 2018 to March 31, 2018	Due by end of December 2017
April 1, 2018 to March 31, 2019	March 1, 2018
April 1, 2019 to June 30, 2019	March 1, 2019

3. Monitoring reports and monitoring activity reports as per Section 5.0 Tasks.
4. Scheduled meetings and orientation sessions with CBSA and provincial representatives as per Section 5.0 Tasks or as needed.

9.0 CONSTRAINTS

To facilitate the planning of scheduled* visits, the Contractor will need to schedule monitoring site visits with IHCs, provincial and other detention facility authorities in advance of visits. On occasion, the Contractor will be able to conduct unplanned** visits with IHCs and other detention facilities where the detention authority has provided access to do so.

In order for the Contractor to increase its monitoring activities in provinces where it currently does not have access (Saskatchewan, Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland), the CBSA will need to first negotiate access to these facilities with the provinces through a negotiated Memorandum of Understanding. The CBSA will notify the CRC within 60 days of any new MOU being signed.

The Contractor must be able to carry out interviews and discussions with immigration detainees in English or in French. Where possible, the Contractor should provide interpreters for detainees who do not speak either English or French.

*Detention facility operators should be contacted at least 7 calendar days prior to a visit occurring in order to make necessary arrangements.

**An unplanned visit is defined as providing 24 hour notice to the detention facility authority of the intended visit for appropriate arrangements to be made to ensure the safety and security of CRC personnel.

10.0 LANGUAGE OF WORK

Communications with and services to the public will be conducted in both official languages, as prescribed in accordance with the Treasury Board's policies and directives on official languages.

All communication with immigration detainees must be provided in either English or French and where possible with the assistance of an interpreter.

All services and communication with CBSA and other detention facility authorities must be provided in one or both official languages, English and French, depending on the regional preference.

11.0 TRAVEL REQUIREMENTS

The Contractor must travel to locations as outlined in tables 2 and 3 in section 5.0 Tasks.

All travel must be in accordance with Annex B, Basis of Payment.

12.0 APPLICABLE DOCUMENTS

The Contractor will monitor compliance with all applicable detention standards and international instruments to which Canada is signatory including, and where applicable, as provided to the Contractor:

- The Immigration and Refugee Protection Act (2001, amended 2008)
<http://laws.justice.gc.ca/eng/acts/I-2.5/>
- Canadian Charter of Rights and Freedoms (1982)
<http://laws-lois.justice.gc.ca/eng/Const/page-15.html>
- UN Convention Relating to Refugee Status (1951) and Protocol (1967)
<http://www.unhcr.org/3b66c2aa10>
- UN Convention on the Rights of the Child (1989)
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>
- UN Convention on the Rights of Persons with Disabilities (2006)
http://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf
- UN Convention against Torture (1987)
http://legal.un.org/avl/pdf/ha/catcidtp/catcidtp_e.pdf
- UNHCR Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention (1999, revised 2012)
<http://www.unhcr.org/505b10ee9.html>
- UNHCR 2014-2019 Beyond Detention: A global strategy to support governments to end the detention of asylum-seekers and refugees (2014)
<http://www.unhcr.org/53aa929f6.pdf>
- The Standard Minimum Rules for the Treatment of Prisoners (1955)
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/TreatmentOfPrisoners.aspx>
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988)
http://www.tjsl.edu/slomansonb/10.3_DetentionImprisonment.pdf
- CBSA Detention Guidelines and Standards (once finalized)

Other Applicable Documents:

- Federal Privacy Act (1985)
<http://laws-lois.justice.gc.ca/eng/acts/P-21/>
- Access to Information Act (1985)
<http://laws-lois.justice.gc.ca/eng/acts/A-1/>
- Library and Archives of Canada Act (2004)

<http://laws-lois.justice.gc.ca/eng/acts/L-7.7/>

- Policy on Government Security (2012)
<http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=16578>
- Personal Information Protection and Electronic Documents Act (PIPEDA) and applicable provincial privacy legislation (2000)
<http://laws-lois.justice.gc.ca/eng/acts/P-8.6/>

13.0 LOCATION OF WORK

The monitoring services will be conducted at various detention facilities across Canada including Alberta, British Columbia, Manitoba, Ontario and Quebec and in other provinces and/or territories where access will be provided. Meetings with IHC detention authorities will take place in IHCs or CBSA regional offices and meetings with provincial and/or territorial detention authorities will take place in provincial/territorial correctional facilities and/or provincial regional offices. Meetings at the national level will take place in CBSA national headquarters within the National Capital Region. All other work will be conducted at the Contractor's place of business.

5. At Annex B – Basis of Payment

DELETE entirely:

REPLACE WITH:

ANNEX "B"

BASIS OF PAYMENT

A- Contract Period (From July 06, 2017 to July 15, 2019 inclusive.)

During the period of the Contract, for Work performed in accordance with the Contract, the Contractor will be paid as specified below.

The Contractor will be paid to a limitation of expenditure based on the following breakdown:

1.0 Professional Fees

Resource Category	All-inclusive per diem rate (Cdn \$)
Program Manager	
Quality Management Advisor	
IDMP Officers	

For the purpose of this Contract, a day is defined as 7.0 hours of work, exclusive of meal breaks. Payment will be made for days actually worked, with no provision for annual leave, statutory holidays and sick leave. If time worked is more or less than a day, the all-inclusive fixed daily rate must be prorated to reflect the actual time worked.

Total Estimated Cost of Professional Fees:

2.0 Cost Reimbursable Expenses

2.1 Travel and living expenses for Work

Concerning the requirements to travel described in the Statement of Work in Annex A, the Contractor will be reimbursed its authorized travel and living expenses reasonably and properly incurred in the performance of the Work done, delivered or performed, at cost, without any allowance for profit and administrative overhead, in accordance with and up to a maximum of the meal, private vehicle and incidental expenses provided in Appendices B, C and D of the National Joint Council Travel Directive; and with the other provisions of the directive referring to "travellers", rather than those referring to "employees".

Canada will not accept travel and living expenses that may need to be incurred by the Contractor for any relocation of resources required to satisfy its contractual obligations.

The travel and living expenses will be paid upon submission of an itemized statement supported by receipt vouchers. All payments are subject to government audit.

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Total Estimated Cost of Travel and Living Expenses:**2.2 Other Direct Expenses**

Expenses	Estimated Cost (Cdn \$)
Interpreters	
Operational Costs	
Program Material	
Meeting Expenses	
Administrative Fees (12%)	

Total Estimated Cost of Other Direct Expenses:**3.0 Total Estimated Cost to a Limitation of Expenditure- Contract Period:**

With the exception of the all-inclusive fixed time rates specified above, the amounts shown in this section of the annex are estimates only. Minor changes to these estimates will be accepted for billing purposes as the Work proceeds, provided that these changes have the prior approval of the Project Authority, and provided that the total estimated cost of the Contract does not exceed the Limitation of Expenditure specified in clause 7.1, Basis of Payment, of the Contract.

B- Option to Extend the Term of the Contract

This section is only applicable if the option to extend the Contract is exercised by Canada.

During the extended period of the Contract specified below, the Contractor will be paid as specified below to perform all the Work in relation to the Contract extension.

B-1.0 Extended Contract Period (one year)**B-1.1 Professional Fees**

Resource Category	All-inclusive per diem rate (Cdn \$)
Program Manager	
Quality Management Advisor	
IDMP Officers	

For the purpose of this Contract, a day is defined as 7.0 hours of work, exclusive of meal breaks. Payment will be made for days actually worked, with no provision for annual leave, statutory holidays and sick leave. If time worked is more or less than a day, the all-inclusive fixed daily rate must be prorated to reflect the actual time worked.

Total Estimated Cost of Professional Fees:

B-1.2 Cost Reimbursable Expenses**B-1.2.1 Travel and living expenses for Work**

Concerning the requirements to travel described in the Statement of Work in Annex A, the Contractor will be reimbursed its authorized travel and living expenses reasonably and properly incurred in the performance of the Work done, delivered or performed, at cost, without any allowance for profit and administrative overhead, in accordance with and up to a maximum of the meal, private vehicle and incidental expenses provided in Appendices B, C and D of the National Joint Council Travel Directive; and with the other provisions of the directive referring to "travellers", rather than those referring to "employees".

Canada will not accept travel and living expenses that may need to be incurred by the Contractor for any relocation of resources required to satisfy its contractual obligations.

The travel and living expenses will be paid upon submission of an itemized statement supported by receipt vouchers. All payments are subject to government audit.

Total Estimated Cost of Travel and Living Expenses:**B-1.2.2 Other Direct Expenses**

Expenses	Estimated Cost (Cdn.\$)
Interpreters	
Operational Costs	
Program Material	
Meeting Expenses	
Administrative Fees (12%)	

Total Estimated Cost of Other Direct Expenses:**B-1.3 Total Estimated Cost to a Limitation of Expenditure – Option Period:**

With the exception of the all-inclusive fixed time rates specified above, the amounts shown in this section of the annex are estimates only. Minor changes to these estimates will be accepted for billing purposes as the Work proceeds, provided that these changes have the prior approval of the Project Authority, and provided that the total estimated cost of the Contract does not exceed the Limitation of Expenditure specified in clause 7.1, Basis of Payment, of the Contract.

ALL OTHER TERMS AND CONDITIONS OF THE CONTRACT REMAIN THE SAME.